

**HB 23 Red Tape Reduction Commission; created, review of regulatory requirements, report.**

*Chief patron:* Webert

*Summary as introduced:*

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

02/05/18 House: Assigned GL sub: Subcommittee #3

02/06/18 House: Subcommittee recommends striking from docket (8-Y 0-N)

**HB 58 State agencies; use of light-emitting diodes (LEDs) on outdoor lighting fixtures.**

*Chief patron:* Bell, John J.

*Summary as introduced:*

**Light-emitting diode (LED) use on outdoor lighting fixtures.** Requires any state agency that installs, replaces, or maintains an outdoor lighting fixture to use LEDs instead of traditional incandescent light bulbs when installing new outdoor lighting fixtures or replacing nonfunctioning bulbs on existing outdoor lighting fixtures unless the appropriate agency authority determines it is not cost efficient to do so. The bill creates an exception to these requirements for the installation or replacement of light bulbs on state-owned property that is

listed individually on the Virginia Landmarks Register or is certified by the Director of the Virginia Department of Historic Resources as contributing to the historic significance of a historic district that is listed on the Virginia Landmarks Register. The bill also provides for the Department of General Services to include the requirement for the use of LEDs in the agency's purchasing regulations. Contracts entered into by the Department of Transportation on and after July 1, 2019, are subject to the requirement.

02/01/18 House: Assigned App. sub: General Government & Capital Outlay

02/07/18 House: Subcommittee recommends laying on the table (6-Y 2-N)

### **HB 59 Transportation, Department of; use of practical design methods.**

*Chief patron:* Bell, John J.

*Summary as introduced:*

**Department of Transportation; use of practical design methods.** Requires the Department of Transportation to employ practical design methods for any highway system project, including all projects costing more than \$5 million. "Practical design methods" are defined in the bill as practices that incorporate maximum flexibility in application of standards that reduce the cost of project delivery while preserving and enhancing safety and mobility.

01/24/18 House: Assigned GL sub: Subcommittee #4

02/06/18 House: Subcommittee recommends passing by indefinitely (5-Y 2-N)

### **HB 72 Statewide prioritization process project selection; cost of project to be considered.**

*Chief patron:* Thomas

*Summary as introduced:*

**Statewide prioritization process project selection.** Requires the total cost of a transportation project to be considered in evaluating projects under the statewide prioritization process. The bill requires the Commonwealth Transportation Board to evaluate congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays. The bill imposes restrictions on projects receiving funding from the High Priority Projects Program that are evaluated under the statewide prioritization process.

01/29/18 House: Assigned Transportation sub: Ad Hoc Subcommittee #4

01/30/18 House: Subcommittee recommends continuing to 2019

### **HB 78 Professional and Occupational Regulation, Department of; waiver of first-time licensing fees.**

*Chief patron:* Yancey

*Summary as introduced:*

**Department of Professional and Occupational Regulation; waiver of first-time licensing fees for low-income applicants.** Requires any regulatory board within the Department of Professional and Occupational Regulation to waive the initial application fee for any low-income individual applying for any license, certificate, or registration issued by the regulatory board or the Department. The bill defines "low-income individual" as any individual whose gross annual income is less than \$25,000 per year.

02/01/18 House: Assigned App. sub: Commerce, Agriculture, Natural Resources & Technology  
02/07/18 House: Subcommittee recommends laying on the table (8-Y 0-N)

### **HB 89 Conditional rezoning proffers; affordable dwelling units.**

*Chief patron:* Bell, John J.

*Summary as introduced:*

**Conditional zoning proffers; affordable dwelling units.** Exempts onsite proffers related to affordable dwelling units from provisions that determine whether a proffer is unreasonable.

01/16/18 House: Assigned CC & T sub: Subcommittee #2  
01/25/18 House: Subcommittee recommends passing by indefinitely (6-Y 2-N)

### **HB 97 Virginia Public Procurement Act; methods of procurement, single or term contracts.**

*Chief patron:* Bell, John J.

*Summary as passed House:*

**Virginia Public Procurement Act; methods of procurement; single or term contracts for professional services.** Increases the maximum permissible aggregate or sum of all phases of single or term contracts for professional services that may be procured without requiring competitive negotiation from \$60,000 to \$80,000. The bill also increases the maximum sum of architectural or professional engineering services contracts performed in a one-year contract term from \$500,000 to \$750,000.

02/06/18 House: Assigned GL sub: Subcommittee #2  
02/08/18 House: Subcommittee recommends reporting with amendment (8-Y 0-N)

### **HB 98 Virginia Public Procurement Act; competitive negotiation for professional services.**

*Chief patron:* Bell, John J.

*Summary as introduced:*

**Virginia Public Procurement Act; competitive negotiation for professional**

**services.** Provides that for competitive negotiation for professional services, a public body may conduct negotiations simultaneously with the top two ranked offerors if the public body does not request or discuss nonbinding estimates of total project costs at the discussion stage and as long as such process is set forth in the Request for Proposal.

### **HB 120 Unemployment compensation; wage offset.**

*Chief patron:* Rasoul

*Summary as introduced:*

**Unemployment compensation; wage offset.** Provides that the weekly unemployment benefit to which an eligible individual is entitled shall be reduced on a dollar-for-dollar basis by any wages in excess of \$100 that the individual earns in that week. Currently such benefit is reduced dollar-for-dollar by wages in excess of \$50 earned in a week.

01/17/18 House: Assigned C & L sub: Subcommittee #2

02/06/18 House: Subcommittee recommends laying on the table (7-Y 0-N)

### **HB 134 Value engineering; raises minimum project cost.**

*Chief patron:* Bell, John J.

*Summary as passed:*

**Value engineering.** Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. This bill is identical to SB 125.

01/24/18 House: Assigned GL sub: Subcommittee #4

02/06/18 House: Subcommittee recommends reporting (7-Y 0-N)

### **HB 160 Building code; mutual assistance.**

*Chief patron:* Cole

*Summary as introduced:*

**Building code; mutual assistance.** Provides that the governing body of any county, city, or town may enter into an agreement with another locality for the purpose of providing assistance on building code inspections, plan review, and permitting to a local building department in such locality.

01/17/18 House: Assigned GL sub: Subcommittee #2

01/25/18 House: Subcommittee recommends laying on the table (8-Y 0-N)

### **HB 192 Rainwater and gray water; regulations.**

*Chief patron:* Yancey

*Summary as enacted with Governor's Recommendations:*

**Rainwater and gray water; regulations.** Directs the State Board of Health (the Board) to adopt regulations regarding the use of gray water and rainwater. The regulations shall provide standards for the use of rainwater harvesting systems, which shall include systems that collect rainwater for use by commercial enterprises but do not provide water for human consumption. Such regulations shall not apply to water that is not for human consumption, including graywater and rainwater, that is used by certain specified facilities. The bill also directs the Board to consider recognizing rainwater as an independent source of fresh water.

02/16/18 Senate: Assigned Education sub: Health

**HB 193 Virginia Public Procurement Act; bid match preference for Virginia businesses.**

*Chief patron:* Bell, Richard P.

*Summary as introduced:*

**Virginia Public Procurement Act; bid match preference for Virginia businesses.** Provides a bid match preference for Virginia businesses. Under the bill, for contracts of \$5,000 or more, a Virginia business has an opportunity to match the lowest bid of an out-of-state bidder if the bid of a Virginia business is within five percent of the lowest bid of an out-of-state bidder.

**HB 240 Wage or salary history; inquiries prohibited, civil penalty.**

*Chief patron:* Rasoul

*Summary as introduced:*

**Wage or salary history inquiries prohibited; civil penalty.** Prohibits a prospective employer from (i) requiring as a condition of employment that a prospective employee provide or disclose the prospective employee's wage or salary history or (ii) attempting to obtain the wage or salary history of a prospective employee from the prospective employee's current or former employers. Violations are subject to a civil penalty not to exceed \$100 per violation.

01/17/18 House: Assigned C & L sub: Subcommittee #2

02/06/18 House: Subcommittee recommends laying on the table (6-Y 1-N)

**HB 257 Virginia Public Procurement Act; definitions, responsible bidder or offeror.**

*Chief patron:* Hope

*Summary as introduced:*

**Virginia Public Procurement Act; definitions; responsible bidder or offeror.** Clarifies the

definition of "responsible bidder" or "offeror" in the procurement act to provide that a determination of whether a bidder or offeror is responsible shall include a consideration of the bidder's or offeror's previous experience.

### **HB 288 Recordation tax; exemptions, certain limited liability companies & limited or general partnerships.**

*Chief patron:* Miyares

*Summary as introduced:*

**Recordation tax exemption; certain limited liability companies and limited or general partnerships.** Provides a recordation tax exemption for deeds transferring property (i) to a subsidiary limited liability company or partnership from its parent limited liability company or partnership, (ii) from a subsidiary limited liability company or partnership to a parent limited liability company or partnership, (iii) to a limited liability company or partnership from a commonly owned limited liability company or partnership, or (iv) to a limited liability company or limited or general partnership from a commonly owned limited liability company or limited or general partnership, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code and if the transfer is not a precursor or subsequent to a transfer of control of the assets of the company to avoid recordation taxes.

01/30/18 House: Assigned Finance sub: Subcommittee #1

01/31/18 House: Subcommittee recommends continuing to 2019

### **HB 297 Administrative Process Act; exempts certain guidance documents from Act.**

*Chief patron:* Bulova

*Summary as enacted with Governor's Recommendations:*

**Administrative Process Act; guidance documents.** Exempts guidance documents, defined in the bill, from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.), provided that the agency that developed the guidance document certifies that the document conforms to the definition of a guidance document. Each guidance document is then subject to a 30-day public comment period through the Virginia Regulatory Town Hall website, after publication in the Virginia Register of Regulations and prior to the effective date of the document. If a comment received during the public comment period asserts that the guidance document is contrary to state law or regulation or that it should not be exempt, the effective date of the guidance document shall be delayed an additional 30 days, during which time the agency shall address the comments and provide a response in writing. The bill also provides that guidance documents do not include agency (i) rulings and advisory opinions, (ii) forms and instructions, (iii) bulletins and legislative summaries, (iv) studies and reports, and (v) internal manuals and memoranda. The bill has a delayed effective date of January 1, 2019.

01/19/18 House: Assigned GL sub: Subcommittee #4

02/06/18 House: Subcommittee recommends reporting with substitute (7-Y 0-N)

**HB 306 Va. Public Procurement Act; preference for business participating in Va. Registered Apprenticeship.**

*Chief patron:* Watts

*Summary as introduced:*

**Virginia Public Procurement Act; preference for businesses participating in Virginia Registered Apprenticeship program.** Authorizes a public body to give preference to the lowest responsive and responsible bidder (i) who is a resident of Virginia, (ii) who participates in the Virginia Registered Apprenticeship program administered by the Virginia Department of Labor and Industry, and (iii) whose bid is within three percent of the lowest bid price.

**HB 358 Ground water management; subdivisions, technical evaluation.**

*Chief patron:* Bulova

*Summary as introduced:*

**Ground water management; subdivisions; technical evaluation.** Requires the developer of a subdivision located in a designated ground water management area for which the developer obtains plat approval on or after July 1, 2018, to apply for a technical evaluation, with certain criteria, from the Department of Environmental Quality prior to final subdivision plat approval if there will be 30 or more lots within the subdivision served by private wells.

01/15/18 House: Assigned ACNRsub: Subcommittee #3

01/24/18 House: Subcommittee recommends reporting (9-Y 1-N)

**HB 375 Local government; prohibiting certain practices requiring contractors to provide compensation, etc.**

*Chief patron:* Davis

*Summary as passed House:*

**Prohibit certain local government practices that would require contractors to provide certain compensation or benefits.** Prohibits local governing bodies from establishing provisions related to procurement of goods, professional services, or construction that would require a wage floor or any other employee benefit or compensation above what is otherwise required by state or federal law to be provided by a contractor to one or more of the contractor's employees as part of a contract with the locality. The prohibition shall not affect contracts between a locality and another party that were executed prior to January 1, 2019, or the renewal or future rebids of services thereof. The bill provides that localities shall not be prohibited from

entering into contracts for economic development incentives in which the company receiving the incentives is required to maintain a certain stated wage level for its employees.

02/05/18 House: Assigned GL sub: Subcommittee #3

02/06/18 House: Subcommittee recommends reporting with amendment (5-Y 3-N)

**HB 398 Virginia Public Procurement Act; bid, performance, and payment bonds, waiver by localities, sunset.**

*Chief patron:* Davis

*Summary as introduced:*

**Virginia Public Procurement Act; bid, performance, and payment bonds; waiver by localities; sunset.** Adds a sunset date of July 1, 2021, to the provisions (i) authorizing a locality, where the bid, performance, and payment bond requirements are waived, to waive the requirement for prequalification for a bidder or contractor with a current Class A contractor license for nontransportation-related construction contracts in excess of \$100,000 but less than \$300,000 upon a written determination made in advance by the local governing body that waiving the requirement is in the best interests of the locality and (ii) prohibiting localities from entering into more than 10 such contracts per year.

01/19/18 House: Assigned GL sub: Subcommittee #1

02/01/18 House: Subcommittee recommends reporting (7-Y 0-N)

**HB 473 Virginia Public Procurement Act; use of best value contracting.**

*Chief patron:* Reid

*Summary as introduced:*

**Virginia Public Procurement Act; use of best value contracting.** Authorizes the use of best value contracting by all public bodies. The bill sets forth the requirements for any procurement process that uses best value concepts.

**HB 513 Small Business and Supplier Diversity, Department of; implementation of certification programs.**

*Chief patron:* Wilt

*Summary as introduced:*

**Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report.** Changes the definition of small business, beginning July 1, 2019, to meet the small business size standards established by the regulations of the U.S. Small Business Administration. The bill provides that any business entity that the Department of Small Business and Supplier Diversity (the Department) has



certified as a small business prior to July 1, 2019, shall have such certification extended for a three-year period. The bill also provides that the Director of the Department adopt regulations that will, beginning July 1, 2019, establish a three-year certification period for small businesses to be based on the dominant business activity of each small business entity. The bill (i) includes a definition of "dominant business activity"; (ii) provides for the Department to enter into a memorandum of understanding with appropriate agencies establishing provisions for the sharing of information consistent with the requirements of state and federal law; (iii) authorizes the Director to terminate a contract with any independent certifying entities to assist in the certification of small, women-owned, and minority-owned businesses based on performance or a written determination by the Director that continuing the contract is not practicable, and (iv) requires the Secretary of Commerce and Trade to evaluate the effect of the implementation of the new definition at three-year intervals, reporting to the Governor and General Assembly by December 1, 2022, and December 1, 2025.

02/02/18 House: Assigned App. sub: Commerce, Agriculture, Natural Resources & Technology

02/07/18 House: Subcommittee recommends continuing to 2019

### **HB 523 Architects, Professional Engineers, Land Surveyors, etc., Board for; membership.**

*Chief patron:* Lindsey

*Summary as enacted with Governor's Recommendations:*

**Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; membership.** Adds two nonlegislative citizen members to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects and provides that one of those members be present to constitute a quorum. The bill also removes the provision requiring that the Council of Certified Virginia Interior Designers submit nominations for interior design members.

01/19/18 House: Assigned GL sub: Subcommittee #1

01/25/18 House: Subcommittee recommends reporting with amendment (8-Y 0-N)

### **HB 533 Veterans; acceptance of substantially equivalent military training, etc.**

*Chief patron:* Freitas

*Summary as passed House:*

**Professions and occupations; qualifications for licensure; acceptance of substantially equivalent military training, education, and experience.** Directs the Department of Veterans Services to take steps to promote awareness among veterans of the acceptance of substantially equivalent military training, education, or experience by the Department of Professional and Occupational Regulation, the Department of Health Professions, or any other board named in Title 54.1 (Professions and Occupations).

01/17/18 House: Assigned HWI sub: Subcommittee #1

02/01/18 House: Subcommittee recommends reporting with substitute (9-Y 0-N)

### **HB 549 State agency; legislation requiring an agency to adopt regulations.**

*Chief patron:* Freitas

*Summary as introduced:*

**State agency regulations; legislation requiring a state agency to adopt regulations that are likely to have a significant adverse economic impact.** Provides that no bill that directly or indirectly requires a state agency to adopt new or to amend existing regulations that are likely to have a significant adverse economic impact shall be considered by the General Assembly unless the bill contains a second or final enactment clause (i) directing the state agency to develop proposed regulatory requirements by December 1 of the year in which the bill is introduced and (ii) providing that the first enactment of the bill that would directly or indirectly require the state agency to adopt new or to amend existing regulations shall not become effective unless reenacted by the following year's session of the General Assembly. The bill requires the General Assembly to thereafter reconsider the bill during the following year's session of the General Assembly along with and in light of the proposed regulatory requirements developed and put forth by the state agency. The bill defines "significant adverse economic impact" to mean that the estimated cost to citizens, professions, trades, or occupations to comply with the regulations is in excess of \$500. The bill provides that determination of whether regulations are likely to have a significant adverse economic impact shall be made by the Joint Legislative Audit and Review Commission.

### **HB 555 Professions and occupations; hair braiding.**

*Chief patron:* Freitas

*Summary as passed House:*

**Professions and occupations; hair braiding.** Clarifies that hair braiding is not a practice included under the definition of "cosmetology."

01/19/18 House: Assigned GL sub: Subcommittee #1

01/25/18 House: Subcommittee recommends reporting with substitute (8-Y 0-N)

### **HB 557 Virginia Public Procurement Act; public works contract requirements, apprenticeship utilization.**

*Chief patron:* Krizek

*Summary as introduced:*

**Virginia Public Procurement Act; public works contract requirements; apprenticeship utilization.** Creates minimum requirements for the use of apprentices in public works projects paid for in whole or in part by state funds. The bill provides that the failure of a contractor to comply with the apprentice utilization requirement shall be (i) deemed a breach of contract

entitling the contracting agency to all remedies allowed by law and under the contract and (ii) considered as evidence bearing upon a contractor's qualification for the award of future contracts.

### **HB 574 Va. Public Procurement Act; cooperative procurement, stream restoration & stormwater management.**

*Chief patron:* Hodges

*Summary as passed House:*

**Virginia Public Procurement Act; cooperative procurement; stream restoration and stormwater management.** Excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction. This bill is identical to SB 688.

01/24/18 House: Assigned GL sub: Subcommittee #4

02/06/18 House: Subcommittee recommends reporting with substitute (7-Y 0-N)

### **HB 608 Virginia Public Procurement Act; high-risk contracts, report.**

*Chief patron:* Carr

*Summary as introduced:*

**Virginia Public Procurement Act; high-risk contracts; report.** Requires the Department of General Services (DGS), the Virginia Information Technologies Agency (VITA), and the Office of the Attorney General, as appropriate, to review contract solicitations and contracts for any public contract for goods, services, insurance, or construction that meets the definition of high-risk contract provided in the bill. Employees designated as primary administrators of high-risk contracts are required to complete a training program on effective contract administration created by DGS and VITA pursuant to requirements of the bill prior to commencing high-risk contract administration duties. Some provisions of the bill have delayed effective dates for implementation of the high-risk contract training and review processes.

### **HB 647 Virginia Public Procurement Act; architectural and professional engineering term contracts.**

*Chief patron:* Bell, John J.

*Summary as introduced:*

**Virginia Public Procurement Act; architectural and professional engineering term contracts.** Increases from \$500,000 to \$750,000 the maximum total amount of all construction projects that may be performed in a one-year contract term of a contract for architectural or professional engineering services relating to multiple construction projects.

02/05/18 House: Assigned GL sub: Subcommittee #2

**HB 656 Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review.**

*Chief patron:* LaRock

*Summary as introduced:*

**Virginia Department of Historic Resources; telecommunications; Section 106 review process work group.** Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.

01/19/18 House: Assigned Rules sub: Subcommittee #1

02/01/18 House: Subcommittee recommends passing by indefinitely (7-Y 0-N)

**HB 657 Virginia Public Procurement Act; competitive sealed bidding.**

*Chief patron:* Davis

*Summary as introduced:*

**Virginia Public Procurement Act; competitive sealed bidding.** Requires bidders to submit two bids for any procurement that will receive less than 25 percent of its funding from the federal government. One bid shall include costs that account for wages required under the Davis-Bacon Act, 40 U.S.C. §§ 276a through 276a-5, as amended, and the other bid shall include costs that account for wages as customarily paid by the bidder.

**HB 668 Transportation funding in certain areas of the Commonwealth; price floor.**

*Chief patron:* Kilgore

*Summary as introduced:*

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

the average price used to calculate the state tax. The also allocates \$40 million annually from the Priority Transportation Fund, after making any required debt service payments, to each of the Salem highway construction district and the Bristol highway construction district. Of the \$40 million allocated to the Bristol highway construction district, \$30 million each year shall be designated for the construction and completion of U.S. Route 121, the Coalfields Expressway.

### **HB 675 Alternative onsite sewage systems; Board of Health to review regulations.**

*Chief patron:* Hodges

*Summary as passed House:*

**Onsite treatment works; effluent quality standards and maintenance requirements.** Directs the Board of Health to publish a Notice of Intended Regulatory Action for the regulations for alternative onsite sewage systems no later than October 1, 2018, and to work with stakeholders to consider such regulatory amendments related to requirements governing sampling, field sampling procedures, performance requirements, and such other revisions to the regulations as may be deemed necessary by the Board.

02/16/18 Senate: Assigned Education sub: Health

### **HB 699 Motor vehicle fuels; sales tax in certain transportation districts.**

*Chief patron:* Levine

*Summary as introduced:*

**Motor vehicle fuels sales tax in certain transportation districts.** Provides that the tax that is imposed on the sales price of motor fuel in Northern Virginia shall be imposed on the regional price of gas, defined and computed as a six-month average price of fuel. The tax shall not be imposed on a regional price that is less than a gallon of gasoline on February 20, 2013, nor shall it be imposed on a price that is more than \$4 per gallon. The bill also raises the rate of taxation of motor fuel in Northern Virginia from 2.1% to 3%.

The bill also changes the regional gas tax in Hampton Roads from a percentage to a cents-per-gallon tax that decreases as the price of gas increases. The regional gas tax in Hampton Roads would have a floor of \$0.05 per gallon and a ceiling of \$0.14 per gallon and would be determined on the basis of the average wholesale price of unleaded regular gasoline.

02/06/18 House: Assigned App. sub: Transportation

02/08/18 House: Subcommittee recommends striking from docket (7-Y 0-N)

### **HB 714 Building Code; provisions for buildings & structures in rural areas.**

*Chief patron:* Bell, Richard P.

*Summary as introduced:*

**Uniform Statewide Building Code; Board of Housing and Community Development; provisions for buildings and structures in rural areas in which commercial enterprises are located.** Directs the Board of Housing and Community Development to make amendments to the Uniform Statewide Building Code applicable to buildings and structures in rural areas in which commercial enterprises are located. The bill provides that the amendments shall not apply to any building or structure for which (i) a building permit has been issued or on which construction has commenced or (ii) working drawings have been prepared in the year prior to the effective date of the amendments. The bill also requires the Board to establish guidelines for the adequate training of building officials, enforcement personnel, contractors, and design professionals regarding Building Code provisions applicable to farm buildings and structures.

01/19/18 House: Assigned GL sub: Subcommittee #2

01/25/18 House: Subcommittee recommends continuing to 2019

### **HB 723 Stormwater management facilities; private residential lots, disclosure.**

*Chief patron:* Plum

*Summary as introduced:*

**Stormwater management facilities; private residential lots; disclosure.** Requires the State Water Control Board to adopt regulations requiring a local stormwater management authority that requires a landowner of property zoned for residential use to maintain a stormwater management facility on such property to record with the deed for the property a statement of the specifications and requirements and a schedule of audits of the facility. The bill requires the seller of any property with such facility to disclose such specifications, requirements, and schedule of audits to a purchaser of the property.

01/22/18 House: Assigned ACNR sub: Subcommittee #3

01/30/18 House: Subcommittee recommends striking from docket (8-Y 0-N)

### **HB 724 Virginia Public Procurement Act; amends prompt payment provisions, etc.**

*Chief patron:* Plum

*Summary as introduced:*

**Virginia Public Procurement Act; prompt payment; payment date.** Amends the prompt payment provisions of the Virginia Public Procurement Act by changing the definition of "payment date" from 30 days to 15 days after receipt of a proper invoice by the state agency, where a contract does not specify the payment date.

### **HB 725 Small businesses; change in definition.**

*Chief patron:* Plum

*Summary as introduced:*

**Department of Small Business and Supplier Diversity; Virginia Public Procurement Act; definition of small business.** Changes the requirements of the definition of small business for the purposes of programs of the Department of Small Business and Supplier Diversity and the Virginia Public Procurement Act to require the business, together with affiliates, to have 250 or fewer employees and average annual gross receipts of \$10 million or less averaged over the previous three years. Currently for these programs, a business is required to meet one or the other of these conditions to be considered a small business.

01/19/18 House: Assigned GL sub: Subcommittee #4

01/23/18 House: Subcommittee recommends striking from docket (8-Y 0-N)

### **HB 726 Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.**

*Chief patron:* Plum

*Summary as introduced:*

**Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.** Codifies the Governor's Executive Order 20 (2014) establishing a statewide small business and microbusiness procurement enhancement program. The bill establishes a statewide goal of 42 percent of small and microbusiness utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill provides for (i) a set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) a set-aside for competition among microbusinesses for purchases under \$10,000.

01/19/18 House: Assigned GL sub: Subcommittee #4

01/30/18 House: Subcommittee recommends passing by indefinitely (5-Y 3-N)

### **HB 728 Newspapers; alters requirements that may be used for legal notices and publications.**

*Chief patron:* Head

*Summary as introduced:*

**Newspapers; legal notices and publications; requirements.** Alters the requirements for newspapers that may be used for legal notices and publications by (i) changing the publication and circulation requirement from 24 consecutive weeks to at least 50 of the preceding 52 weeks; (ii) requiring that such a newspaper have both a general circulation in, as newly defined in the bill, and news coverage of the area in which such notice is required to be published; and (iii) requiring that such newspaper publish the United States Postal Service Statement of Ownership in such newspaper at least once per calendar year and maintain a copy of such form for inspection. The bill makes additional changes to the options available for allowing a newspaper to qualify as a newspaper that may be used for publishing such legal notices and publications.

01/16/18 House: Assigned Courts sub: Subcommittee #3

**HB 765 Transportation processes in the Commonwealth; responsibilities of transportation entities, funding.**

*Chief patron:* Jones, S.C.

*Summary as enacted with Governor's Recommendations:*

**Transportation processes in the Commonwealth; responsibilities of transportation entities; funding.** Expands the responsibilities of the Office of Intermodal Planning and Investment of the Secretary of Transportation (Office). The bill clarifies the residency requirements for the urban and rural at-large members of the Commonwealth Transportation Board (Board) and provides that no member of a governing body of a locality is eligible to be appointed to the Board during his term of office. The bill provides that the Board's Six-Year Improvement Program shall only commit funds from the State of Good Repair Program, the High Priority Projects Program, or the Highway Construction District Grant Programs to a project or program if such commitment is sufficient to complete the project or program. The bill changes the timing of reports from annually to biennially, expands the requirements of the biennial report provided by the Commissioner of Highways, and requires the Office to submit a biennial report as described in the bill. The bill decreases the maximum matching allocation that the Board may make to a locality from \$10 million to \$5 million and provides that no more than \$2.5 million of such funds can be used for the maintenance of highway systems. The bill changes the amount of Commonwealth funds allocated to the Board for revenue-sharing from no less than \$15 million and no more than \$200 million to not in excess of \$100 million or seven percent of funds available for distribution by the Board from all funds made available for highway purposes, whichever is greater.

02/01/18 House: Assigned App. sub: Transportation

02/05/18 House: Subcommittee recommends reporting (8-Y 0-N)

**HB 768 Motor vehicle fuels; sales tax in certain regions of the Commonwealth.**

*Chief patron:* Jones, S.C.

*Summary as passed:*

**Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.** Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average distributor price upon which the tax is based be no less than what the statewide average distributor price would have been on February 20, 2013. The bill defines "average distributor price." This bill is identical to SB 896.

02/06/18 House: Assigned App. sub: Transportation

02/08/18 House: Subcommittee recommends reporting with substitute (7-Y 0-N)



**HB 774 Public procurement; contracting for construction on a construction management basis.**

*Chief patron:* Landes

*Summary as introduced:*

**Public procurement; contracting for construction on a construction management basis.** Authorizes state public bodies and public institutions of higher education to enter into contracts for construction on a construction management basis where the estimated cost is expected to be greater than \$40 million of actual construction costs without following certain statutory procedures. Under current law, such bodies are required to comply with the procedures whenever such bodies determine to use construction management. The bill also changes the threshold for local public bodies to contract for construction using construction management from \$10 million to \$40 million. The bill also amends the components of the definition "complex project" by (i) removing references to multifaceted program, unique equipment, and specialized building systems, (ii) adding unconventional building systems, (iii) clarifying that the accelerated schedule component of the definition must be due to regulatory mandates, and (iv) requiring that any historic designation be properly registered.

**HB 801 Stormwater regulation; no stricter than federal law.**

*Chief patron:* O'Quinn

*Summary as introduced:*

**Stormwater regulation; no stricter than federal law.** Prohibits the State Water Control Board from adopting any stormwater regulation that is inconsistent with or exceeds the requirements of any federal stormwater statute, regulation, standard, criterion, or guidance document.

**HB 805 Stormwater management regulations; localities outside Chesapeake Bay watershed.**

*Chief patron:* O'Quinn

*Summary as introduced:*

**Stormwater management regulations; localities outside Chesapeake Bay watershed.** Provides that in a locality that is located entirely outside of the Chesapeake Bay watershed, the State Water Control Board and the Department of Environmental Quality shall apply the water quality and water quantity requirements that were in effect prior to July 1, 2014.

01/29/18 House: Assigned ACNR sub: Subcommittee #3

02/06/18 House: Subcommittee recommends passing by indefinitely (9-Y 0-N)

**HB 851 Virginia Public Procurement Act; request for proposals, publication.**

*Chief patron:* Ingram

*Summary as introduced:*

**Virginia Public Procurement Act; request for proposals; publication.** Removes the requirement for newspaper publication of Requests for Proposals for professional services.

**HB 880 Professional and occupational regulatory analyst; establishes position within DLS.**

*Chief patron:* Webert

*Summary as introduced:*

**Professions and occupations; regulatory boards.** Establishes the position of professional and occupational regulatory analyst within the Division of Legislative Services to assist the Joint Commission on Administrative Rules in (i) exerting its best efforts to evaluate at least three professions or occupations in each year and (ii) to the extent feasible, reviewing legislation establishing or modifying an occupational regulation to determine whether the legislation uses the least restrictive regulation necessary to protect or preserve the public health, safety, and welfare. The evaluation shall include recommendations for changes to occupational regulations to encourage use of the least restrictive regulation necessary.

**HB 885 Conventional or alternative onsite sewage systems; authority of the Board of Health.**

*Chief patron:* Orrock

*Summary as passed House:*

**Onsite sewage systems; authority of the Board of Health.** Clarifies that the Board of Health shall have supervision and control over the maintenance, inspection, and reuse of conventional onsite sewage systems as well as alternative onsite sewage systems.

02/16/18 Senate: Assigned Education sub: Health

**HB 887 Onsite sewage systems; adjustment or replacement of sewer lines, etc., is considered maintenance.**

*Chief patron:* Orrock

*Summary as passed House:*

**Onsite sewage systems; maintenance.** Provides that the adjustment or replacement of sewer lines, conveyance lines, distribution boxes, or header lines is considered maintenance of an onsite sewage system and thus does not require a permit. Under current law, adjustment and replacement of such equipment requires the system owner to obtain a permit.

02/16/18 Senate: Assigned Education sub: Health

**HB 888 Onsite sewage systems & private wells; VDH to take steps to eliminate evaluation & design services.**

*Chief patron:* Orrock

*Summary as enacted with Governor's Recommendations:*

**Onsite sewage systems; evaluation and design services.** Directs the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department. The bill provides specific requirements and a timeline for such elimination.

01/17/18 House: Assigned HWI sub: Subcommittee #1

01/18/18 House: Subcommittee recommends reporting with amendments (9-Y 0-N)

**HB 905 Virginia Public Procurement Act; designation of trade secrets and proprietary information.**

*Chief patron:* Robinson

*Summary as introduced:*

**Virginia Public Procurement Act; designation of trade secrets and proprietary information.** Provides that a bidder, offeror, or contractor shall not improperly designate as trade secrets or proprietary information (i) an entire bid, proposal, or prequalification application; (ii) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (iii) line item prices or total bid, proposal, or prequalification application prices. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

01/19/18 House: Assigned GL sub: Subcommittee #4

01/23/18 House: Subcommittee recommends reporting (8-Y 0-N)

**HB 917 Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.**

*Chief patron:* Stolle

*Summary as introduced:*

**Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.** Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013.

02/06/18 House: Assigned App. sub: Transportation

02/08/18 House: Subcommittee recommends laying on the table (7-Y 0-N)

**HB 921 Virginia Public Procurement Act; allows public bodies to utilize cooperative procurement.**

*Chief patron:* Lopez

*Summary as introduced:*

**Virginia Public Procurement Act; cooperative procurement; construction.** Allows public bodies to utilize cooperative procurement for (i) public utility and infrastructure projects and (ii) the demolition of buildings, where the expected cost is less than \$500,000.

**HB 946 Energy and Environment, Virginia Commission on; established, report.**

*Chief patron:* Lopez

*Summary as introduced:*

**Virginia Commission on Energy and Environment.** Establishes the Virginia Commission on Energy and Environment as a legislative commission to review and recommend steps to implement the Virginia Energy Plan. The Commission is charged, among other things, with the power and duty to (i) undertake studies and gather information and data; (ii) make recommendations as may be necessary to accomplish its purposes as set forth in the legislation; (iii) make special studies of and reports on measures to secure Virginia's energy future; (iv) establish advisory committees composed of persons with special expertise not represented by individuals serving on the Commission; (v) seek, accept, and expend gifts, grants, or donations to enable the Commission to carry out its objectives; (vi) review and make recommendations on legislation affecting energy policy to the General Assembly; and (vii) report annually on its activities during the preceding year to the Governor and the General Assembly.

01/19/18 House: Assigned Rules sub: Subcommittee #1

02/01/18 House: Subcommittee recommends passing by indefinitely (4-Y 3-N)

**HB 966 Income tax, sales tax, etc.; refundable credit for certain local taxes.**

*Chief patron:* Davis

*Summary as introduced:*

**Taxation in the Commonwealth; income tax, sales tax, and credit for certain local taxes.** Provides, for taxable years 2018 through 2022, a refundable credit against individual and corporate income taxes for a business's aggregate tax liability under the machinery and tools tax, the merchants' capital tax, and the business, professional, and occupational license (BPOL) tax.

The bill imposes a sales tax on all services except business-to-business, educational, health care, and real estate services. The bill requires the Department of Taxation (the Department) to assert the Commonwealth's jurisdictional nexus to tax services to the maximum extent allowed by Virginia and federal law and requires any person that furnishes services valued at \$5,000 or more during a calendar year to register with the Department as a dealer.

The bill provides that food purchased for human consumption shall be exempt from state sales tax. Under current law, food purchased for human consumption is taxed at a reduced state rate of 1.5 percent and a local rate of 1 percent.

The bill eliminates the lowest two income tax brackets by providing that, starting with taxable year 2019, there shall be no income tax imposed on income of \$5,000 or less.

### **HB 970 Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.**

*Chief patron:* Guzman

*Summary as introduced:*

**Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.** Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013.

02/06/18 House: Assigned App. sub: Transportation

02/08/18 House: Subcommittee recommends striking from docket (7-Y 0-N)

### **HB 1083 Motor vehicle fuels sales tax; price floor.**

*Chief patron:* Filler-Corn

*Summary as introduced:*

**Motor vehicle fuels sales tax; price floor.** Provides that the 2.1% tax that is imposed on the sales price of motor fuel in Northern Virginia and Hampton Roads shall be imposed on the regional price of gas, defined and computed as the six-month average price of fuel, for each region. The regional price used to calculate the tax shall not be less than the average statewide price of a gallon of unleaded regular gasoline on February 20, 2013.

02/06/18 House: Assigned App. sub: Transportation

02/08/18 House: Subcommittee recommends laying on the table (6-Y 1-N)

### **HB 1084 Virginia Public Procurement Act; statute of limitations on actions on construction contracts.**

*Chief patron:* Yancey

*Summary as introduced:*

**Virginia Public Procurement Act; statute of limitations on actions on construction contracts; statute of limitations on actions on performance bonds.** Provides that unless otherwise specified in the contract, no action may be brought by a public body on any construction contract unless such action is brought within five years after completion of the

contract, including the expiration of all warranties and guarantees. The bill also limits the time frame during which a public body, other than the Department of Transportation, may bring an action against a surety on a performance bond to within five years after completion of the contract, including the expiration of all warranties and guarantees. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guarantees, or (ii) discovery of the defect or breach of warranty that gave rise to the action.

02/06/18 House: Assigned Courts sub: Subcommittee #2

02/07/18 House: Subcommittee recommends reporting with substitute (7-Y 0-N)

### **HB 1114 Professional and occupational regulation; authority to suspend or revoke licenses, certificates.**

*Chief patron:* VanValkenburg

*Summary as introduced:*

**Professional and occupational regulation; authority to suspend or revoke licenses, certificates, registrations, or permits; default or delinquency of education loan or scholarship.** Provides that the Department of Professional and Occupational Regulation, the Department of Health Professions, the Board of Accountancy, and the Board of Education shall not be authorized to suspend or revoke the license, certificate, registration, permit, or authority it has issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.

01/19/18 House: Assigned GL sub: Subcommittee #1

01/25/18 House: Subcommittee recommends reporting (7-Y 1-N)

### **HB 1135 Professions and occupations; prior criminal history.**

*Chief patron:* Peace

*Summary as introduced:*

**Professions and occupations; prior criminal history.** Removes the authority given to regulatory boards of the Department of Professional and Occupational Regulation to refuse to issue a license, certificate, or registration if the board finds, based upon all of the information available, including the applicant's record of prior convictions, that the applicant is unfit or unsuited to engage in the occupation or profession. The bill does not change current law that provides that such regulatory board may refuse to issue a license, certificate, or registration if an applicant's criminal conviction directly relates to the occupation or profession for which the license, certificate, or registration is sought. If a regulatory board or department denies an applicant a license, certificate, or registration solely or in part because of the applicant's prior conviction of a crime, the regulatory board or department (i) has the burden of proving by clear and convincing evidence that the prior criminal conviction directly relates to the occupation or

profession for which the license, certificate, or registration is sought and (ii) must provide written notice to the applicant. The bill also allows any person who has a criminal record to petition a regulatory board or department for a determination of whether the person's criminal record will disqualify the person from obtaining a license, certificate, or registration.

**HB 1192 Administrative Process Act; development and periodic review of regulations, report.**

*Chief patron:* Cline

*Summary as introduced:*

**Administrative Process Act; development and periodic review of regulations; report.** Requires all executive branch agencies to develop regulations in the least burdensome and intrusive manner possible and provides guiding principles for the development, adoption, and repeal of regulations. The bill also requires each agency to establish a schedule for the review of all regulations for which the agency is the primary responsible agency. The schedule shall encompass a 10-year period and provide for the annual review of at least 10 percent of an agency's regulations by July 1 of each year. Under the bill, the Governor will submit an annual report containing the findings of the regulation reviews by August 1 of each year to the chairmen of the standing committees of the House of Delegates and the Senate.

**HB 1195 Professional & Occupational Licensing Requirements, Joint Commission to Evaluate; created, report.**

*Chief patron:* Cline

*Summary as introduced:*

**Joint Commission to Evaluate Professional and Occupational Licensing Requirements; report.** Creates the Joint Commission to Evaluate Professional and Occupational Licensing Requirements of the various regulatory boards within the Department of Professional and Occupational Regulation. The bill provides that to assist the Joint Commission in carrying out its powers and duties, the General Assembly shall adopt a schedule for its timely review of the statutory and regulatory professional and occupational licensing requirements of the regulatory boards within the Department of Professional and Occupational Regulation. The schedule adopted shall require that no less than 20 percent of such licensing requirements be reviewed annually, and the bill states that the General Assembly may delegate the process of adopting such schedule to the Joint Commission on Administrative Rules.

02/06/18 House: Assigned App. sub: General Government & Capital Outlay

02/07/18 House: Subcommittee recommends laying on the table (8-Y 0-N)

**HB 1196 State agencies, certain; procurement of nonprofessional services.**

*Chief patron:* Cline

*Summary as introduced:*

**Procurement of nonprofessional services by certain state agencies; commercial activities.** Requires the Director of the Division of Purchases and Supply of the Department of General Services to require each state agency, except law-enforcement agencies, to procure nonprofessional services from the private sector if such services are listed in the Department of Planning and Budget's commercial activities list. The bill also provides that, upon a written determination made in advance by a state agency that the procurement of nonprofessional services from a commercial source is neither practicable nor fiscally advantageous, such service may continue to be performed by the state agency.

### **HB 1271 Public procurement; construction management and transportation construction services.**

*Chief patron:* Sickles

*Summary as introduced:*

**Public procurement; construction management and transportation construction services.** Authorizes state public bodies and public institutions of higher education to enter into contracts for construction on a construction management basis and without following certain statutory procedures when the estimated cost is expected to be greater than \$40 million. Under current law, such bodies are required to comply with the procedures whenever they use construction management. The bill also increases from \$10 million to \$40 million the threshold of expected actual construction costs above which local public bodies may contract for construction on a construction management basis. The bill amends the components of the definition of "complex project" by (i) removing references to unique equipment and specialized building systems, (ii) adding unconventional building systems, (iii) specifying that the accelerated schedule component of a project must be due to regulatory mandates, and (iv) requiring that any historic designation be properly registered.

### **HB 1300 Small Business and Supplier Diversity, Department of; implementation of certification programs.**

*Chief patron:* Lopez

*Summary as introduced:*

**Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report.** Changes the definition of small business, beginning July 1, 2019, to meet the small business size standards established by the regulations of the U.S. Small Business Administration. The bill provides that any business entity that the Department of Small Business and Supplier Diversity (the Department) has certified as a small business prior to July 1, 2019, shall have such certification extended for a three-year period. The bill also provides that the Director of the Department adopt regulations that will, beginning July 1, 2019, establish a three-year certification period for small businesses to be based on the dominant business activity of each small business entity. The bill (i) includes a definition of "dominant business activity"; (ii) provides for the Department to enter into a



memorandum of understanding with appropriate agencies establishing provisions for the sharing of information consistent with the requirements of state and federal law; (iii) authorizes the Director to terminate a contract with any independent certifying entities to assist in the certification of small, women-owned, and minority-owned businesses based on performance or a written determination by the Director that continuing the contract is not practicable, and (iv) requires the Secretary of Commerce and Trade to evaluate the effect of the implementation of the new definition at three-year intervals, reporting to the Governor and General Assembly by December 1, 2022, and December 1, 2025.

01/24/18 House: Assigned GL sub: Subcommittee #4

01/30/18 House: Subcommittee recommends passing by indefinitely (8-Y 0-N)

### **HB 1307 Stormwater management; rural Tidewater, tiered approach to water quantity technical criteria.**

*Chief patron:* Hodges

*Summary as passed House:*

**Stormwater management; rural Tidewater; tiered approach to water quantity technical criteria; impervious cover percentage.** Allows any rural Tidewater locality, as defined in the bill, to comply with water quantity technical criteria for certain land-disturbing activities based on the percentage of impervious cover in the watershed. The bill provides that any eligible locality electing to use certain control standards shall, by ordinance, adopt an official map that indicates the percentage of impervious cover in each watershed within the locality and shall update the map at least annually. The bill allows any such locality to apply one of the following three standards for managing water quantity to any new development project: (i) if the site, as indicated on the map, has less than 5.0 percent impervious cover, the standard shall be a particular State Water Control Board regulation; (ii) if the watershed has 5.0 percent or more but less than 7.5 percent impervious cover, the standard shall be the one-year, 24-hour release method; and (iii) if the watershed has 7.5 percent or more impervious cover, the standard shall be the energy balance method. The bill provides that any project whose construction would cause the watershed in which it is located to step up to the next higher tier shall be evaluated under the energy balance method or a more stringent alternative.

The bill also directs the Department of Environmental Quality to use an appropriate new or existing Regulatory Advisory Panel to assist in clarifying the interpretation and application of the MS-19 standard.

01/29/18 House: Assigned ACNR sub: Subcommittee #3

01/30/18 House: Subcommittee recommends reporting with amendment (8-Y 0-N)

### **HB 1308 Stormwater management; local plan review, acceptance of signed and sealed plan in lieu of review.**

*Chief patron:* Hodges

*Summary as passed House:*

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

01/29/18 House: Assigned ACNR sub: Subcommittee #3

01/30/18 House: Subcommittee recommends reporting with amendment (8-Y 0-N)

**HB 1363 Historic rehabilitation tax credit; expand availability of credit for project rehabilitating school.**

*Chief patron:* Miyares

*Summary as introduced:*

**Historic rehabilitation tax credit; expands availability of credit for projects rehabilitating schools.** Provides that a project may qualify as eligible for the state historic rehabilitation tax credit if it involves rehabilitating property for new use as a school. Current law requires projects to be used either for their historic purpose or for a new use that requires minimal change to the defining characteristics of the building. The bill also provides that for a project rehabilitating a school or a structure to be used as a school expenses incurred in such project shall be eligible for the credit regardless of whether the person who incurs the expenses owns the building. The bill provides that a building qualifies as a historic structure if it is a public school in a school division in which at least half the schools receive funding pursuant to Title I of the federal Elementary and Secondary Education Act. The bill provides that if a project rehabilitates a school, the project qualifies as a material rehabilitation if it costs at least 10 percent of the school's assessed value. Under current law, projects generally must cost at least 50 percent of the assessed value of a building to qualify.

01/30/18 House: Assigned Finance sub: Subcommittee #2

01/31/18 House: Subcommittee recommends continuing to 2019

**HB 1407 Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.**

*Chief patron:* Ward

*Summary as introduced:*

**Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.** Codifies the Governor's Executive Order 20 (2014) establishing a statewide small business and microbusiness procurement enhancement program. The bill establishes a statewide goal of 42 percent of small and microbusiness utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill provides for (i) a set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) a set-aside for competition among microbusinesses for purchases under \$10,000.

01/19/18 House: Assigned GL sub: Subcommittee #4

01/30/18 House: Subcommittee recommends passing by indefinitely (5-Y 2-N)

### **HB 1465 Purchases and Supply, Division of; requirements to purchase, exceptions.**

*Chief patron:* Peace

*Summary as introduced:*

**Requirement to purchase through the Division of Purchases and Supply; exceptions.** Adds the legislative branch, the judicial branch, and the State Corporation Commission as entities exempt from the requirement of making purchases through the Division of Purchases and Supply. The bill also requires that the State Corporation Commission adopt regulations made in accordance with the Virginia Public Procurement Act that specify policies and procedures that are based on competitive principles and that are generally applicable to procurement of goods and services by comparably situated state agencies.

### **HB 1475 Sewerage systems; state adoption of federal criteria.**

*Chief patron:* Poindexter

*Summary as passed House:*

**Sewerage systems; state adoption of federal criteria.** Directs the State Water Control Board (the Board) not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the Criteria) unless the Board includes in such adoption a phased implementation program consistent with the federal Clean Water Act with certain funding and timing considerations. The bill also directs the Department of Environmental Quality to (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the Criteria that will minimize the impact of such implementation on Virginia sewerage systems while complying with the Clean Water Act; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018. The bill provides that the inclusion of the implementation program in the

Board's current regulatory action shall not require reproposal of the current action. This bill is identical to SB 344.

**HB 1510 Professions & occupations; recognizing licenses/certificates issued by Commonwealth of Puerto Rico.**

*Chief patron:* Simon

*Summary as introduced:*

**Professions and occupations; reciprocity.** Directs the Department of Professional and Occupational Regulation and the Department of Health Professions to promulgate regulations recognizing licenses or certificates issued by the Commonwealth of Puerto Rico as full fulfillment of qualifications for licensure or certification in the Commonwealth. The provisions of the bill expire on July 1, 2021.

01/22/18 House: Assigned GL sub: Subcommittee #1

02/01/18 House: Subcommittee recommends referring to Committee on Appropriations

**HB 1566 Stormwater; local plan review, acceptance of plan by professional engineer in lieu of review.**

*Chief patron:* Hodges

*Summary as introduced:*

**Stormwater; local plan review; acceptance of plan by professional engineer in lieu of review.** Authorizes any stormwater management program authority or erosion and sediment control program authority, or a locality that has opted out of administering a stormwater or erosion and sediment control program, to require that a licensed professional engineer retained by the applicant submit a set of plans and supporting calculations for land-disturbing activities of greater than one acre in extent. The bill requires the plans to be signed and stamped by the engineer. The program authority or locality is required to accept such plans in satisfaction of the local plan review requirement.

**HB 1568 Small Business and Supplier Diversity, Department of; small business development programs.**

*Chief patron:* Landes

*Summary as passed:*

**Virginia Economic Development Partnership Authority; Department of Small Business and Supplier Diversity; small business development programs.** Transfers the administration of the Small Business Jobs Grant Fund Program and the Small Business Investment Grant Fund from the Department of Small Business and Supplier Diversity to the Virginia Economic Development Partnership Authority.

01/23/18 House: Assigned App. sub: Commerce, Agriculture, Natural Resources & Technology  
02/07/18 House: Subcommittee recommends reporting (5-Y 3-N)

**SB 20 Regulatory reduction pilot program; Department of Planning and Budget to implement, report.**

*Chief patron:* Chase

*Summary as passed:*

**Department of Planning and Budget; regulatory reduction pilot program; report.** Directs the Department of Planning and Budget (the Department), under the supervision of the Secretary of Finance (the Secretary), to administer a three-year regulatory reduction pilot program aimed at reducing by 25 percent the regulations and regulatory requirements, as defined in the bill, of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services by July 1, 2021. The bill requires the Secretary to report annually to the Speaker of the House and the Chairman of the Senate Rules Committee no later than October 1, 2019, and October 1, 2020, on the progress of the regulatory reduction pilot program. The bill also requires the Secretary to report by August 15, 2021, to the Speaker of the House and the Chairman of the Senate Rules Committee (i) the progress toward identifying the 25 percent reduction goal, (ii) recommendations for expanding the program to other agencies, and (iii) any additional information the Secretary determines may be helpful to support the General Assembly's regulatory reduction and reform efforts. The bill provides that if, by October 1, 2021, the program has achieved less than a 25 percent total reduction in regulations and regulatory requirements across both pilot agencies, the Secretary shall report on the feasibility and effectiveness of implementing a 2-for-1 regulatory budget providing that for every one new regulatory requirement, two existing regulatory requirements of equivalent or greater burden must be streamlined, repealed, or replaced for a period not to exceed three years. Lastly, the bill directs all executive branch agencies subject to the Administrative Process Act (§ 2.2-4000 et seq.) to develop a baseline regulatory catalog and report such catalog data to the Department, which shall then track and report on the extent to which agencies comply with existing requirements to periodically review all regulations every four years. This bill is identical to HB 883.

**SB 54 Professional and Occupational Regulation, Department of; subpoena duces tecum, costs.**

*Chief patron:* DeSteph

*Summary as introduced:*

**Department of Professional and Occupational Regulation; subpoena duces tecum; costs.** Provides that, if a licensee or regulant of the Department of Professional and Occupational Regulation or one of its regulatory boards is successful in a motion to quash a subpoena duces tecum issued in furtherance of an investigation, the court shall award reasonable costs and attorney fees or \$500, whichever is greater.

**SB 55 Professional and Occupational Regulation, Department of; disciplinary actions by regulatory boards.**

*Chief patron:* DeSteph

*Summary as passed Senate:*

**Department of Professional and Occupational Regulation; disciplinary actions by regulatory boards.** Requires a regulatory board under the Department of Professional and Occupational Regulation to determine the factual basis for its decisions through an informal fact-finding conference under the Administrative Process Act (§ 2.2-4000 et seq.) unless the regulant and the regulatory board agree to resolve the matter through a consent order or the regulant consents to waive the conference to go directly to a formal hearing. If the conference is waived, or if it fails to dispose of the case by consent, the bill requires the regulatory board to conduct a formal hearing. The bill also provides that, if a regulant is successful in a motion to quash a subpoena duces tecum issued in furtherance of an investigation, the court shall award reasonable costs and attorney fees or \$500, whichever is greater.

02/19/18 House: Assigned GL sub: Subcommittee #1

02/27/18 House: Subcommittee recommends referring to Committee on Appropriations

**SB 117 Value engineering; raises minimum project cost.**

*Chief patron:* Favola

*Summary as introduced:*

**Value engineering.** Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. This bill was incorporated into SB 125.

**SB 125 Value engineering; raises minimum project cost.**

*Chief patron:* Black

*Summary as passed:*

**Value engineering.** Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. This bill incorporates SB 117 and is identical to HB 134.

**SB 140 Motor vehicle fuels sales tax in certain transportation districts; price floor.**

*Chief patron:* Petersen

*Summary as introduced:*

**Motor vehicle fuels sales tax in certain transportation districts; price floor.** Establishes a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia by requiring that the average wholesale price upon which the tax is based be no less than the statewide average sales price on February 20, 2013. This bill was incorporated into SB 896.

**SB 188 Virginia Public Procurement Act; competitive negotiation for professional services.**

*Chief patron:* Favola

*Summary as passed Senate:*

**Virginia Public Procurement Act; competitive negotiation for professional services.** Provides that for competitive negotiation for professional services, except in the case of the procurement of architectural or engineering services, a public body may conduct negotiations simultaneously with the top two ranked offerors if the public body does not request or discuss nonbinding estimates of total project costs at the discussion stage and as long as such process is set forth in the Request for Proposal.

02/13/18 House: Assigned GL sub: Subcommittee #4

02/20/18 House: Subcommittee recommends continuing to 2019

**SB 312 Cooperative procurement of professional services; construction, solar power purchase agreements.**

*Chief patron:* Edwards

*Summary as passed Senate:*

**Cooperative procurement of professional services; construction; solar power purchase agreements.** Allows contracting entities to contract for the provision of solar services in order to reduce energy costs. The measure authorizes any contracting entity to purchase services under a solar services agreement entered into by another contracting entity, even if it did not participate in the request for proposals, if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure specifies that terms and conditions of project agreements for the provision of solar energy that reference the terms and conditions of a master solar power purchase agreement shall be binding and effective for the life of the project agreements, whether or not the master power purchase agreement is still in effect. The bill provides that it is applicable to any solar services agreement regardless of the date of the agreement.

02/19/18 House: Assigned GL sub: Subcommittee #4

02/20/18 House: Subcommittee recommends continuing to 2019

**SB 317 Public procurement; contracting for construction on a construction management basis.**

*Chief patron:* Ruff

*Summary as introduced:*

**Public procurement; contracting for construction on a construction management basis.** Authorizes state public bodies and public institutions of higher education to enter into contracts for construction on a construction management basis where the estimated cost is expected to be greater than \$40 million of actual construction costs without following certain statutory procedures. Under current law, such bodies are required to comply with the procedures whenever such bodies decide to use construction management. The bill also changes the threshold for local public bodies to contract for construction using construction management from \$10 million to \$40 million. The bill also amends the components of the definition "complex project" by (i) removing references to multifaceted program, unique equipment, and specialized building systems; (ii) adding unconventional building systems; (iii) clarifying that the accelerated schedule component of the definition must be due to regulatory mandates; and (iv) requiring that any historic designation be properly registered.

**SB 318 Small Business and Supplier Diversity, Department of; implementation of certification programs.**

*Chief patron:* Ruff

*Summary as passed Senate:*

**Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report.** Changes the definition of small business, beginning July 1, 2019, to meet the small business size standards established by the regulations of the U.S. Small Business Administration. The bill provides that any business entity that the Department of Small Business and Supplier Diversity (the Department) has certified as a small business prior to July 1, 2019, shall have such certification extended for a three-year period. The bill also provides that the Director of the Department adopt regulations that will, beginning July 1, 2019, establish a three-year certification period for small businesses to be based on the dominant business activity of each small business entity. The bill (i) includes a definition of "dominant business activity"; (ii) provides for the Department to enter into a memorandum of understanding with appropriate agencies establishing provisions for the sharing of information consistent with the requirements of state and federal law; (iii) authorizes the Director to terminate a contract with any independent certifying entities to assist in the certification of small, women-owned, and minority-owned businesses, service disabled veteran-owned businesses, and employment services organizations based on performance or a written determination by the Director that continuing the contract is not practicable; and (iv) requires the Secretary of Commerce and Trade to evaluate the effect of the implementation of the new definition at three-year intervals, reporting to the Governor and General Assembly by December 1, 2022, and December 1, 2025.



02/22/18 House: Assigned App. sub: Commerce, Agriculture, Natural Resources & Technology  
02/28/18 House: Subcommittee recommends continuing to 2019

**SB 386 Va. Public Procurement Act; SWaM program, participation of service disabled veteran-owned business.**

*Chief patron:* DeSteph

*Summary as introduced:*

**Virginia Public Procurement Act; SWaM program; participation of service disabled veteran-owned businesses.** Provides that contracts and subcontracts awarded to service disabled veteran-owned businesses shall be credited toward the small business, women-owned, and minority-owned business contracting and subcontracting goals of state agencies and state contractors.

02/19/18 House: Assigned GL sub: Subcommittee #1  
02/27/18 House: Subcommittee recommends reporting (8-Y 0-N)

**SB 390 Taxation; makes numerous changes to the Commonwealth's tax structure.**

*Chief patron:* Marsden

*Summary as introduced:*

**Taxation in the Commonwealth.** Makes numerous changes to the Commonwealth's tax structure. The bill creates two new income brackets for the calculation of individual income taxes and lowers the corporate income tax rate. The tax credit for low-income taxpayers would become refundable, and taxpayers would be prohibited from using the same donation to both receive certain tax credits and take a charitable deduction. The bill reinstates the estate tax. The state sales tax on food would be eliminated, and sales tax would be imposed on certain services and digital products. The transient occupancy tax would be imposed on the entire cost of the use or possession of the room. The tobacco tax would be raised.

**SB 393 Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.**

*Chief patron:* Barker

*Summary as introduced:*

**Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.** Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013. This bill was incorporated into SB 856.

## **SB 460 Home inspectors; assertion as to presence or absence of radon.**

*Chief patron:* Stanley

*Summary as introduced:*

**Professions and occupations; home inspectors; assertion as to presence or absence of radon.** Provides that no home inspector shall make any assertion as to the presence or absence of radon, or amount thereof, in a residential building, nor conduct or offer to conduct any radon screening or testing, unless he (i) is listed as a professional by either the National Radon Proficiency Program or the National Radon Safety Board or (ii) meets any other proficiency measures deemed acceptable by the U.S. Environmental Protection Agency or the Board of Health for the purpose of offering such screening or testing, and otherwise complies with additional requirements contained in Title 32.1 (Health).

## **SB 488 Virginia Fire Services Board; powers and duties.**

*Chief patron:* Edwards

*Summary as introduced:*

**Statewide Fire Prevention Code; powers and duties of the Virginia Fire Services Board.** Transfers primary authority for the adoption of the Statewide Fire Prevention Code from the Board of Housing and Community Development to the Virginia Fire Services Board (the Board). The bill allows the Board to convene an ad hoc committee whenever it proposes a change to the Statewide Fire Prevention Code for the purpose of advising the Board. The bill also requires the Board to develop the means to publicize the policies and programs of the Department of Fire Programs to educate the public and elicit public support. The bill contains technical amendments.

## **SB 507 Stormwater management regulations; localities outside Chesapeake Bay watershed.**

*Chief patron:* Carrico

*Summary as introduced:*

**Stormwater management regulations; localities outside Chesapeake Bay watershed.** Provides that in a locality that is located entirely outside of the Chesapeake Bay watershed, the State Water Control Board and the Department of Environmental Quality shall apply the water quality and water quantity requirements that were in effect prior to July 1, 2014.

## **SB 584 Va. Public Procurement Act; establishes service disabled veteran businesses.**

*Chief patron:* DeSteph

*Summary as passed Senate:*

**Virginia Public Procurement Act; service disabled veteran businesses procurement enhancement program.** Establishes a statewide service disabled veteran business procurement enhancement program. The bill establishes a statewide goal of five percent service disabled veteran business utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts.

02/19/18 House: Assigned GL sub: Subcommittee #4

**SB 627 Home inspection servicers; certain contract provisions prohibited.**

*Chief patron:* Surovell

*Summary as introduced:*

**Department of Professional and Occupational Regulation; home inspectors; certain contract provisions prohibited.** Prohibits a contract for home inspection services from including any provision limiting the liability of any home inspector arising from his acts or limiting any business that provides home inspection services from liability for the acts of its employees or agents.

**SB 651 Va. Public Procurement Act; executive branch agency's goals for participation by small businesses.**

*Chief patron:* McPike

*Summary as passed:*

**Virginia Public Procurement Act; executive branch agency's goals for participation by small businesses; requirements.** Expands the requirement under the Virginia Public Procurement Act that any executive branch agency's goals for participation by small businesses include a minimum of three percent participation by service disabled veteran businesses from when such agencies are contracting only for information technology goods and services to when such agencies are contracting for any goods and services. The bill contains technical amendments.

02/21/18 House: Assigned GL sub: Subcommittee #1

02/27/18 House: Subcommittee recommends reporting with substitute (8-Y 0-N)

**SB 688 Va. Public Procurement Act; cooperative procurement, stream restoration & stormwater management.**

*Chief patron:* Ruff

*Summary as passed Senate:*

**Virginia Public Procurement Act; cooperative procurement; stream restoration and stormwater management.** Excludes the purchase of (i) stream restoration and (ii) stormwater

management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction. This bill is identical to HB 574.

**SB 850 Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.**

*Chief patron:* Lucas

*Summary as introduced:*

**Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.** Codifies the Governor's Executive Order 20 (2014) establishing a statewide small business and microbusiness procurement enhancement program. The bill establishes a statewide goal of 42 percent of small and microbusiness utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill provides for (i) a set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) a set-aside for competition among microbusinesses for purchases under \$10,000.

**Counts:** HB: 76 SB: 21

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