

**REVIEW OF THE 2003 SESSION
OF THE VIRGINIA GENERAL ASSEMBLY**

for the

**CONSULTING ENGINEERS COUNCIL OF VIRGINIA,
VIRGINIA SOCIETY OF PROFESSIONAL ENGINEERS
and
VIRGINIA SOCIETY OF THE AMERICAN INSTITUTE
OF ARCHITECTS**

Prepared By:

**Reginald N. Jones
Clayton L. Walton
Williams, Mullen, Clark & Dobbins
P. O. Box 1320
Richmond, VA 23218-1320**

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In the course of its work, the 2003 Virginia General Assembly considered many measures of interest to the Consulting Engineers Council of Virginia, the Virginia Society of Professional Engineers, and the Virginia Society of the American Institute of Architects. The Associations' leadership and Joint Legislative Committee, along with legislative counsel, worked throughout the Session to promote and protect the interests of licensed design professionals by reviewing all of the bills and resolutions introduced, and by addressing or monitoring those of particular importance.

Legislative Review

The following review includes summaries of select bills and resolutions considered during the Session which may affect the Associations' membership or otherwise be of general interest to architects and engineers in Virginia. The summaries are largely derived from excerpts of materials prepared by the Division of Legislative Services. First are measures which passed the 2003 Session. (Unless otherwise indicated, all legislation listed as passed during the 2003 Session (i) has been approved by the Governor and (ii) will become effective July 1, 2003.) Second are measures which failed to gain passage during the 2003 Session. There are no bills carried over from 2003 to the 2004 Session.

The review of failed legislation is noteworthy since quite often such legislation reappears in subsequent Sessions. In addition, failed legislation may in some cases serve as an indication of the policy direction of the General Assembly.

These review materials are designed to be a partial overview of the legislation considered during the 2003 Session. They are not intended to be an exhaustive listing or explanation of all legislation affecting the associations or their members.

Although it may not be apparent from the bill summaries, we want to advise you of amendments that we obtained on three separate pieces of legislation. We were able to amend HB 1709, Delegate Purkey's bill regarding procurement for multiphase contracts, to make those provisions apply state-wide and to clarify that awards are to be made based on "qualifications." Through our efforts combined with other lobbyists for professional associations, we were able to rewrite Senator Wampler's bill, SB 879, to clarify that professional services can be rendered by either professional corporations or general business corporations. Finally, we worked with Senator Williams to amend SB 1229 to provide that public entities may waive application and submission fees for proposals under the PPTA.

If you would like to obtain a copy of a specific measure, you may do so by calling Legislative Information at 804/698-1500 or writing to Legislative Information, P.O. Box 406, Richmond, VA 23218. Information is also available on the Internet at <http://leg1.state.va.us>. Of course, if additional information regarding a specific piece of legislation is desired or if other questions arise, you should feel free to contact either Reggie Jones (804/783-6468) or Clayton Walton (804/783-6496).

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PASSED

HB 1545 Release of procurement records under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002.

A BILL to amend and reenact §§ 2.2-3705, 56-573.1, and 56-575.16 of the Code of Virginia, relating to the release of procurement records under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002.

Summary:

Release of procurement records under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002. Provides that once a comprehensive agreement has been entered into under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002, a responsible public entity shall make available, upon request, procurement records in accordance with § 2.2-4342. The bill provides that procurement records shall not be interpreted to include proprietary, commercial or financial information, balance sheets, financial statements, or trade secrets that may be provided by the private entity as evidence of its qualifications. The bill also contains a technical amendment.

Patron: Marshall, R.G.

HB 1709 Va. Public Procurement Act; multiphase contracts/professional service.

A BILL to amend and reenact § 2.2-4301 of the Code of Virginia, relating to the Virginia Public Procurement Act; multiphase contracts for professional services for construction of infrastructure projects.

Summary:

Virginia Public Procurement Act; multiphase contracts for professional services for construction and infrastructure projects for localities. Provides that multiphase contracts for professional services satisfactory and advantageous to a local public body for environmental, location, study, design, or inspection work relating to construction or infrastructure projects, may be negotiated and awarded based on a fair and reasonable price for the first phase only, when completion of the first

phase is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the procurement of any such contract, the local public body shall determine in writing that the nature of the work is such that the best interests of such public body require awarding the contract.

Patron: Purkey

HB 1727 Protection of certain records in the possession of building officials.

A BILL to amend and reenact § 2.2-3705 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 36-105.3, relating to the protection of certain records in the possession of building officials.

Summary:

Protection of certain records in the possession of building officials. Expands the current exemption under the Freedom of Information Act relating to building permit records to include critical structural components, security systems, telecommunications equipment, etc., submitted for the purpose of complying with the Uniform Statewide Building Code or the Statewide Fire Prevention Code, the disclosure of which would jeopardize the safety or security of any public or private commercial, multi-family residential or retail building or its occupants in the event of terrorism or other threat to public safety. The bill requires the owner or lessee to invoke these protections in writing, identify the drawings, plans, or other materials to be protected; and state the reasons why protection is necessary. The bill provides that nothing shall prevent disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event. The bill also requires building officials to institute procedures to ensure these sensitive records are securely stored, handled, and released in accordance with law.

Patron: Sherwood

HB 2192 Virginia Public Procurement Act; reverse auctioning.

An Act to amend and reenact § 2.2-4303 of the Code of Virginia and to repeal the second enactment of Chapter 395 of the Acts of Assembly of 2001, relating to the Virginia Public Procurement Act; reverse auctioning.

Summary:

Virginia Public Procurement Act; reverse auctioning. Removes the sunset provision of July 1, 2003, for the use of reverse auctioning. As a result, reverse auctioning becomes an authorized method of procurement except that bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be procured by reverse auctioning..

Patron: McQuigg

HB 2480 Uniform Statewide Building Code; regulations; new building products.

An Act to amend and reenact §§ 2.2-4006 and 36-99 of the Code of Virginia, relating to the Uniform Statewide Building Code; regulations of the Board of Housing and Community Development; new building products.

Summary:

Uniform Statewide Building Code; regulations of the Board of Housing and Community Development; new building products. Authorizes the Board of Housing and Community Development (the Board), upon finding that sufficient allegations exist regarding failures noted in several localities of performance standards by either building materials, methods, or design, to conduct hearings on such allegations if it determines that such alleged failures, if proven, would have an adverse impact on the health, safety, or welfare of the citizens of the Commonwealth. After at least 21 days' written notice, the Board shall convene a hearing to consider such allegations. Such notice shall be given to the known manufacturers of the subject building material and as many other interested parties, industry representatives, and trade groups as can reasonably be identified. Following the hearing, the Board, upon a finding that (i) the current technical or administrative Code provisions allow use of or result in defective or deficient building materials, methods, or designs, and (ii) immediate action is necessary to protect the health, safety, and welfare of the citizens of the Commonwealth, may issue amended regulations establishing interim performance standards and Code provisions for the installation, application, and use of such building materials, methods, or designs in the Commonwealth. Such amended regulations shall become effective upon their publication in the Virginia Register of Regulations and shall be effective for a period of 24 months or until adopted, modified, or repealed by the Board.

Patrons: Drake, Marrs, Oder, Stump and Suit; *Senators:* Mims, Whipple and Williams

HB 2529 Uniform Statewide Building Code; installation of comm. equipment.

An Act to amend the Code of Virginia by adding a section numbered 36-99.6:2, relating to the Uniform Statewide Building Code; installation of communication equipment for emergency public safety personnel.

Summary:

Uniform Statewide Building Code; installation of communication equipment for emergency public safety personnel. Requires the Board of Housing and Community Development to promulgate regulations as part of the Building Code requiring the installation in such new commercial, industrial and multi-family buildings as determined by the Board construction of emergency communications equipment for emergency service personnel to facilitate effective communication between emergency public safety personnel involved in emergency situations. The bill defines emergency communications equipment and emergency public safety personnel.

Patrons: Almand, Bloxom, Devolites and Petersen; *Senators:* Byrne, Howell, Ticer and Whipple

HB 2533 Virginia Public Procurement Act; certain transactions prohibited.

An Act to amend and reenact § 2.2-4301 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4321.1, relating to the Virginia Public Procurement Act; certain transactions prohibited.

Summary:

Virginia Public Procurement Act; certain transactions prohibited. Prohibits state agencies from contracting for goods and services from vendors who are required to collect use tax on sales of goods delivered into Virginia but fail or refuse to do so. The bill would also prohibit such contracts with any affiliates of such vendor. The bill defines affiliate and requires the Department of Taxation to make a determination of whether a vendor or an affiliate of the vendor is a prohibited source. The bill provides for appeals of the Tax Department's determination and sets out the remedies. The bill incorporates HB 2822 patroned by Delegate Crittenden. (This bill is identical to S.B. 938.)

Patron: Almand

HB 2543 U.S. Route 460 improvements.

A BILL to require the Virginia Department of Transportation to solicit proposals for improvements to U.S. Route 460 between Hampton Roads and the Richmond-Petersburg metropolitan area under the Public-Private Transportation Act of 1995.

Summary:

U.S. Route 460 improvements. Requires the Department of Transportation, within 90 days of the receipt of federal approval of the relevant Draft Environmental Impact Statement, to solicit proposals for improvements to U.S. Route 460 between Hampton Roads and the Richmond-Petersburg metropolitan area under the Public-Private Transportation Act of 1995.

Patrons: McDonnell, Black, Cosgrove, Oder, Purkey and Suit; Senator: Blevins

HB 2602 Construction and operation of treatment works.

A BILL to amend and reenact §§ 32.1-164, 62.1-44.3, 62.1-44.18 and 62.1-44.19 of the Code of Virginia, relating to responsibility for reviewing plans and specifications for wastewater treatment plants.

Summary:

Construction and operation of treatment works. Gives the State Water Control Board (SWCB) and the Department of Environmental Quality sole authority to regulate the construction and operation of sewage treatment plants, including the review and approval of the plans and specifications for such facilities. This means that the SWCB will issue the certificates to construct and operate the facility. Currently, this is the joint responsibility of the Board of Health and the SWCB.

Patrons: Bryant and Keister

HB 2618 Unsolicited facsimile transmissions.

A BILL to amend and reenact §§ 8.01-40.2 and 59.1-200 of the Code of Virginia, relating to unsolicited facsimile transmissions.

Summary:

Unsolicited facsimile transmissions. Makes the unsolicited transmission of advertising materials by facsimile a prohibited practice under the Consumer Protection Act. The bill eliminates the requirement that the unsolicited facsimile be advertising goods or services for sale or lease. Enforcement provisions under the Consumer Protection Act (i) permit the Attorney General to issue civil investigative demands and assurances of voluntary compliance, (ii) create an individual action for damages, and (iii) permit aggrieved parties or the Attorney General to seek injunctive relief to prevent further violations.

Patron: Nutter

HB 2683 Uniform Statewide Building Code; rehabilitation and maintenance of existing building.

A BILL to amend and reenact §§ 36-99, 36-103, 36-105, 36-114, and 36-119.1 of the Code of Virginia, relating to the Uniform Statewide Building Code; rehabilitation and maintenance of existing buildings.

Summary:

Uniform Statewide Building Code; rehabilitation and maintenance of existing buildings. Allows the Board of Housing and Community Development to establish a modification provision in the Uniform Statewide Building Code to facilitate the rehabilitation of existing buildings and structures including procedures to be used by local building departments in the evaluation and granting of modifications for any provisions of the Building Code.

Patrons: Van Landingham, Almand, Amundson, Baskerville, Brink, Drake, Miles and Moran

HB 2701 Virginia Public Procurement Act; cooperative procurement.

An Act to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; cooperative procurement.

Summary:

Virginia Public Procurement Act; cooperative procurement. Clarifies that except for contracts for professional services, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies.

Patrons: Reid, Jones, S.C. and Woodrum; *Senators:* Stosch and Watkins

HJ 653 Directing the Joint Commission on Technology and Science to study the impact of public and private resources.

Directing the Joint Commission on Technology and Science to study the development of an Internet II Advanced Performance Standard Initiative. Report.

Summary:

Development of an Internet II Advanced Performance Standard Initiative. Directs the Joint Commission on Technology and Science to determine what public resources, including but not limited to public-private partnerships, other public and private resources, taxation policies, and direct financial assistance may be used to further the development of an Internet II, advanced, high-speed telecommunications backbone network with the capability of transmitting a minimum of one gigabyte per second (OC-24) utilizing the IPv6 Internet Protocol to all workstations within the Commonwealth; and monitor, cooperate, and coordinate with other agencies of the Commonwealth and committees of the General Assembly to ensure a sound, progressive statewide program is in place and being actively pursued. The Internet II project is a collaborative effort among a number of universities, federal R&D agencies, and private sector firms to develop a next generation Internet for research and education, including both enhanced network services as well as the multimedia applications that will be enabled by those services. As part of its ongoing mandate, the Joint Commission on Technology and Science currently works with other state agencies to monitor broadband deployment.

Patron: Rust

SB 710 Standards of Quality; appropriate learning environment.

A BILL to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to the Standards of Quality.

Summary:

Standards of Quality; appropriate learning environment. Amends Standard 1 of the Standards of Quality to express the belief of the General Assembly and the Board of Education that the quality of public education is dependent upon an appropriate learning environment designed to promote student achievement. Standard 1 currently acknowledges the need for quality instruction as supported by appropriate benefits and compensation.

Under present law, capital construction of school facilities is not funded through the Standards of Quality; with limited statutory exception, title to school property rests with the local school board (§§ 22.1-125 A; 22.1-79).

The Standards of Accreditation provide that schools must "be maintained in a manner ensuring compliance with the Virginia Uniform Statewide Building Code" and that the school be "accessible, barrier free, safe, and clean." In addition, school administrators are directed to "[p]rovide suitable space for classrooms, administrative staff, pupil personnel services, library and media services, and for the needs and safety of physical education" as well as "adequate, safe, and properly-equipped laboratories to meet the needs of instruction in the sciences, technology, fine arts, and career and technical programs." (8 VAC 20-131-260).

Patron: Puller

SB 879 Professional corporations; professional limited liability companies.

A BILL to amend and reenact §§ 13.1-543, 13.1-544.1, 13.1-544.2, 13.1-1102, and 38.2-231 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 13.1-542.1 and 13.1-1101.1, relating to professional corporations and professional limited liability companies; professional services.

Summary:

Professional corporations; professional limited liability companies. Provides that, unless

otherwise prohibited by law or regulation, professional services may be rendered by either a professional corporation or a general business corporation. Parallel provisions are added to the Limited Liability Company Act. A provision corrects existing language that states that all shareholders of a foreign professional stock corporation be licensed to render the professional service in Virginia, because currently accounting, architecture, professional engineering, and land surveying can be rendered by domestic professional corporations with unlicensed shareholders. Other changes clarify that nurse practitioners may organize to the same extent as other professionals, by inserting language omitted from the 1999 legislation that authorized them to so organize. The bill has an emergency clause.

Patron: Wampler

SB 938 Virginia Public Procurement Act; certain transactions prohibited.

An Act to amend and reenact § 2.2-4301 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4321.1, relating to the Virginia Public Procurement Act; certain transactions prohibited.

Summary:

Virginia Public Procurement Act; certain transactions prohibited. Prohibits state agencies from contracting for goods and services from vendors who are required to collect use tax on sales of goods delivered into Virginia but fail or refuse to do so. The bill would also prohibit such contracts with any affiliates of such vendor. The bill defines affiliate and requires the Department of Taxation to make a determination of whether a vendor or an affiliate of the vendor is a prohibited source. The bill provides for appeals of the Tax Department's determination and sets out the remedies. (This bill is identical to H.B. 2533.)

Patron: Colgan

SB 1102 Creation of Fair Housing Board at D.P.O.R.

A BILL to amend and reenact §§ 36-96.1:1, 36-96.2, 36-96.8, 36-96.20, and 54.1-300, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Title 54.1 a chapter numbered 23.2, consisting of sections numbered 54.1-2343 and 54.1-2344, relating to the Department of Professional and Occupational Regulation; creation of Fair Housing Board.

Summary:

Department of Professional and Occupational Regulation; creation of Fair Housing Board.

Creates the Fair Housing Board at the Department of Professional and Occupational Regulation to administer and enforce the provisions of the Fair Housing Law. Currently, such authority is vested with the Real Estate Board. The bill sets out the membership and terms of the Fair Housing Board. The bill authorizes the Fair Housing Board to establish, by regulation, an education-based certification or registration program, as the Board deems appropriate. The Fair Housing Board has no authority to discipline persons licensed by the Real Estate Board who violate the Fair Housing Law, this authority will remain with the Real Estate Board. The bill contains technical amendments.

Patrons: Mims, Whipple and Williams; *Delegates:* Drake, Marrs, Oder, Stump and Suit

SB 1229 Public-Private Transportation Act of 1995 (PPTA).

A BILL to amend and reenact § 56-560 of the Code of Virginia, relating to charging of fees for proposals solicited by a responsible public entity under the Public-Private Transportation Act of 1995.

Summary:

Public-Private Transportation Act of 1995 (PPTA). Provides that, when a responsible public entity solicits proposals for the construction of a transportation facility under PPTA, the responsible public entity will waive any and all application or submission fees.

Patron: Williams

FAILED

HB 1550 Department of Rail and Public Transportation (DRPT); Commonwealth Transport (CTB).

A BILL to amend the Code of Virginia by adding in Chapter 10.1 of Title 33.1 a section numbered 33.1-391.6, relating to responsibilities of the Department of Rail and Public Transportation; mass transit rail projects in air quality nonattainment areas.

Summary:

Department of Rail and Public Transportation (DRPT); Commonwealth Transportation Board (CTB). Provides for the evaluation by DRPT of all rail mass transit projects proposed to be undertaken in any air quality nonattainment area in the Commonwealth and recommendations as to such projects by DRPT to CTB. The bill also authorizes DRPT to act as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance and/or operation of any such project under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.). Notwithstanding the contrary provisions of the Public-Private Transportation Act of 1995, the provisions of the Public Procurement Act (specifically § 2.2-4342) would apply, once a contract has been awarded, to procurement documents and procurement transactions related to any contract entered into for any project covered by this bill.

Patron: Marshall, R.G.

HB 1603 Corporate income tax; additional surtax.

A BILL to amend and reenact § 58.1-400 of the Code of Virginia, relating to imposition of corporate income tax.

Summary:

Corporate income tax; additional surtax. Requires Virginia corporate income taxpayers to pay an additional five percent surtax on their tax liability for taxable years beginning January 1, 2003, through December 31, 2004.

Patron: Van Yahres

HB 1640 Department of Transportation; Commonwealth Transportation Bd.; certification of highway projects.

A BILL to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:7, relating to certification by the Department of Transportation of certain interstate and primary highway system construction projects to the Commonwealth Transportation Board.

Summary:

Department of Transportation; Commonwealth Transportation Board; certification of certain highway construction projects. Requires the Department of Transportation to certify to the Commonwealth Transportation Board those highway construction projects in the interstate highway system or primary highway system which, in the Department's judgment, are appropriate for construction under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.). Such certification is to include proposals for the relative shares of each project's cost to be borne by the Commonwealth, by one or more localities, and the private sector. Notwithstanding the contrary provisions of § 56-573.1, the provisions of § 2.2-4342 (public inspection of records) will apply, once a contract has been awarded for any project under this bill, to procurement documents and procurement transactions related to any such contract.

Patron: Marshall, R.G.

HB 1895 Right-of entry for land surveyor.

A BILL to amend the Code of Virginia by adding a section numbered 54.1-401.1, relating to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; land surveyors; right-of-entry.

Summary:

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; right-of-entry for land surveyor. Provides a land surveyor and agents and employees under his direct supervision with a right-of-entry onto the property of another for the purpose of surveying the location of property corners, boundary lines, rights-of-way and easements. The bill also provides for injunctive relief in instances where access to the property has been denied.

Patrons: Stump; Senator: Puckett

HB 1936 Prompt payment.

A BILL to amend and reenact § 2.2-4354 of the Code of Virginia, relating to public procurement; prompt payment.

Summary:

Prompt payment. Increases the time that a contractor is allowed to make payments to subcontractors under a public contract's payment clause and interest clause. Currently, state and local government contracts are required to include provisions requiring such payments by contractors within 7 days. This measure extends the period to 30 days or other period that is specified in the subcontract, not to exceed 90 days.

Patron: Nixon

HB 2528 Uniform Statewide Building Code; visitability standards.

A BILL to amend the Code of Virginia by adding a section numbered 36-98.02, relating to the Uniform Statewide Building Code; construction standards for local, state or federally assisted single-family dwellings to meet minimum standards of visitability.

Summary:

Uniform Statewide Building Code; visitability standards. Requires certain single-family dwellings that are built with federal, state, or local assistance to meet minimum standards for visitability.

Patron: Almand

HJ 602 Study; Department of Housing and Community Development; report.

Requesting the Department of Housing and Community Development to study the feasibility and appropriateness of adopting a rehabilitation building code in the Commonwealth. Report.

Summary:

Study; Department of Housing and Community Development; report. Requests the Department of Housing and Community Development to study the feasibility and appropriateness of adopting a rehabilitation building code in the Commonwealth.

Patron: Woodrum

HJ 645 Constitutional amendment (first resolution); Transportation Trust Fund

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 7-B, relating to special funds for highway and transportation purposes.

Summary:

Constitutional amendment (first resolution); highway and transportation trust funds. Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund established in 1986 will be permanent and separate funds and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases and other revenues dedicated to the funds. The amendment limits the use of Trust Fund moneys to transportation and related purposes. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid within four years. This resolution incorporates HJRs 551, 590, 711, and 746.

Patrons: McDonnell, Amundson, Callahan, Oder, Putney, Rapp, Suit and Welch; Senator: Blevins

SB 867 Uniform Statewide Building Code; standards for affordable housing.

A BILL to amend the Code of Virginia by adding a section numbered 36-98.02, relating to the Uniform Statewide Building Code; construction standards for affordable housing.

Summary:

Uniform Statewide Building Code; construction standards for affordable housing. Requires single-family affordable housing for individuals and families of low and moderate income that are built with funds awarded by the state or federal government to meet additional construction requirements for visitability.

Patron: Puller

SB 908 Occupational health and safety; mold.

A BILL to amend the Code of Virginia by adding in Title 40.1 a chapter numbered 10, consisting of sections numbered 40.1-143 through 40.1-158, relating to occupational health and safety; mold; penalties.

Summary:

Occupational health and safety; mold. Creates a statutory scheme for identification and remediation of mold in occupational buildings, similar to the current statutory scheme for asbestos remediation. The Safety and Health Codes Board is charged with developing regulations that determine a permissible exposure to mold that does not violate the safety and health of employees, and ensure the proper remediation of mold in occupational buildings. The Commissioner of Labor and Industry is authorized to receive complaints about mold, conduct inspections of buildings, investigate any complaints, hold hearings or institute legal proceedings to enforce the regulations. Building owners in violation of Board regulations may be guilty of a misdemeanor, charged with a fine of up to \$1,000 per violation, and subject to a civil penalty of up to \$25,000 per violation.

Patron: Miller, Y.B.

SB 1029 Adequate public facilities.

A BILL to amend and reenact § 15.2-2242 of the Code of Virginia, relating to adequate public facilities.

Summary:

Adequate public facilities. Provides that in any high-growth locality, a subdivision ordinance may include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that will be required by a proposed development. Approval of a site plan or preliminary subdivision plat may be made contingent upon a finding by a governing body of adequate public facilities. For purposes of this bill, high-growth locality means a locality that has had an annual growth rate in excess of 1 percent for at least 3 of the previous 4 years and is located in the Rappahannock-Rapidan Planning District No. 9 or RADCO Planning District No. 16.

Patrons: Chichester and Houck; *Delegates:* Cole, Howell and Orrock

SB 1087 Uniform Statewide Building Code; visitability standards.

A BILL to amend the Code of Virginia by adding a section numbered 36-98.02, relating to the Uniform Statewide Building Code; construction standards for local, state or federally assisted single-family dwellings to meet minimum standards of visitability.

Summary:

Uniform Statewide Building Code; visitability standards. Requires certain single-family dwellings that are built with federal, state, or local assistance to meet minimum standards for visitability.

Patron: Puller