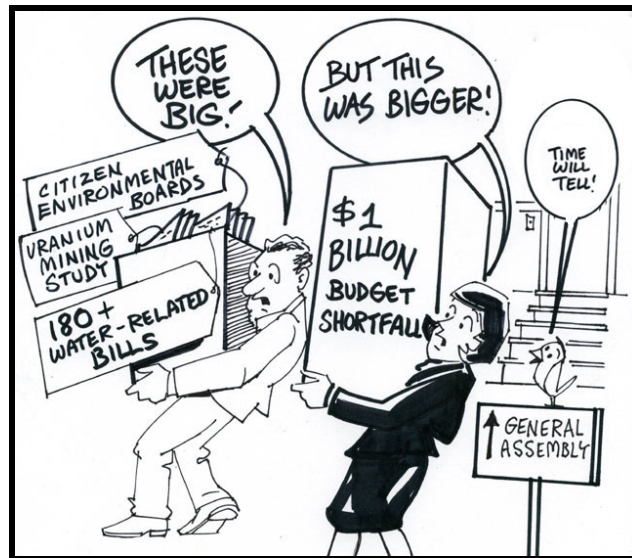


# WATER-RELATED BILLS IN THE 2008 VIRGINIA GENERAL ASSEMBLY

(Published in the April 2008 issue of Virginia Water Central, available online at <http://www.vwrrc.vt.edu/watercentral.html>)



The 2008 Virginia General Assembly session opened January 9 and adjourned March 13. Work on the biennial state budget required a few additional days beyond the scheduled adjournment date of March 8. The legislature considered 3322 bills and resolutions, passing 1654, rejecting 1351, and carrying 317 over to 2009. The reconvened session, when legislators consider the governor's recommendations or vetoes, took place April 23.

In this article, *Virginia Water Central* lists over 180 measures in the 2008 Assembly that dealt with water resources or with land activities with a relatively direct impact on water. The list also includes some bills that may affect water resources *indirectly*, such as certain bills about air pollution, electricity generation, or transportation.

The bills listed below were located by searching the Legislative Information System (LIS) Web site (<http://leg1.state.va.us>) under various subject categories related to natural resources. Descriptions of the bills in this inventory were taken from bill summaries at the LIS site; the Water Center has edited the descriptions in some cases for clarity, emphasis, or space. The bills are grouped in the LIS categories in which they were found (with a few exceptions, such as bills found under "Study Commissions"). For bills that LIS listed in more than one category, *Water Central* has listed them below in one relevant category. Within each category, bills are listed in order of their **bill number**, using the following abbreviations: **HB** = bill started in House of Delegates; **HJ** = joint resolution started in the House; **HR** = House resolution; **SB** = bill started in the Senate; and **SJ** = joint resolution started in the Senate.

*Water Central* does not claim that our list includes *all* bills that potentially could affect Virginia's water resources. This article notes companion and related bills where possible, but *Water Central* does not guarantee that all such connections are identified in this list.

For more information about Virginia legislation (including summaries of all bills in the current and past sessions) visit the LIS Web site at <http://leg1.state.va.us>. You may also get information on bills by phoning toll-free (877) 391-FACT (House of Delegates) or (888) 892-6948 (Senate). The General Assembly's Web site is <http://legis.state.va.us>.

## Voicing Your Opinion

General Assembly members' e-mail addresses and phone numbers are available online at <http://delawarestate.gov/dela/MemBios.nsf/MWebsiteTL?OpenView> (House of Delegates) or <http://sov.state.va.us/SenatorDB.nsf/Viewtemplate+for+WMembershipHome?OpenForm> (Senate) (as of 3/28/08). Or, if you know the number of your legislative districts, you can use the following code to identify your representatives' Capitol phone numbers: for delegates, (804) 698-10 + district number (for example, 698-1003 for the District 3 delegate); for senators, (804) 698-75 + district number (for example, 698-7510 for the District 10 senator). During General Assembly sessions, the Constituent Viewpoint phone line operates from 8:30 a.m.-5 p.m., M-F, toll-free at (800) 889-0229 (outside Richmond) or 698-1990 (Richmond area).

## Water-related Bill Inventory and Bill Status as of April 15, 2008

*If you are reading online, click on blue-colored bill numbers to access the bill at the Legislative Information System.*

### Abbreviations for State Agencies

DCR = Virginia Department of Conservation and Recreation; DEQ = Virginia Department of Environmental Quality; DGIF = Virginia Department of Game and Inland Fisheries; JLARC = Joint Legislative Audit and Review Commission; VMCR = Virginia Marine Resources Commission; VRA = Virginia Resources Authority

## BUDGET

- HB 29 Budget Bill** Amending appropriations of public revenues for the two years ending, respectively, on the thirtieth day of June, 2007, and the thirtieth day of June, 2008. **Passed.**
- HB 30 Budget Bill** Appropriation of revenues for the two years ending respectively on the thirtieth day of June, 2009, and the thirtieth day of June, 2010. **Passed.**

## CONSERVATION

- HB 18** Consolidation of various citizen boards and changed authority; *amends* related 2007 legislation. **Failed in committee:** House Agriculture, Chesapeake, and Natural Resources). See related HB 19, HB 650, HB 1332, and SB 423.
- HB 19** Consolidation of various citizen boards and changed authority; *repeals* related 2007 legislation. **Failed in committee:** House Agriculture, Chesapeake, and Natural Resources. See related HB 650, HB 1332, and SB 423.
- HB 49** Utility easements; conveyance subject to being voided if not used within 20 years. **Failed in committee:** House Commerce and Labor.
- HB 119** Soil and water conservation districts; Attorney General to represent in any suits or actions. **Passed and approved by governor.**
- HB 124** Machinery and tool taxation; exempts certified pollution-control equipment and facilities placed in service on or after January 1, 2010. **Carried over to 2009.**
- HB 158** Littering; penalties, including license suspension, for illegal dumping or disposal of unsightly matter from motor vehicle. **Failed in committee:** House Courts of Justice.
- HB 343** Cathode ray tubes; local disposal bans allowed for any (not just privately owned) waste-to-energy or solid waste facility in a locality. **Passed and approved by governor.**
- HB 344** Computer and Television Recovery and Recycling Act; adoption and implementation of recovery plan as a responsibility of the manufacturer. **Passed and approved by governor.** See related HB 1533.
- HB 360** Nonpoint source pollution reduction; authorizes the Governor and General Assembly to provide additional funding for nonpoint source pollution reduction beyond the amount deposited in the Water Quality Improvement Fund from budget surpluses. **Passed and approved by governor.** Companion bill is SB 513. See also related SB 470.

- HB 378** Golden Age Card Program; Department of Conservation and Recreation (DCR) to establish (the program would give state park camping discounts to citizens over 60). **Carried over to 2009.**
- HB 392** Stormwater ordinances (to enforce permits); authorizes localities classified as an MS4 (municipal separate storm sewer system) to enact. **Passed and approved by governor.**
- HB 514** Fossil fuel combustion products permit; establishing public notice requirements for applicant seeking to use such products as structural fill. **Failed in committee:** House Agriculture, Chesapeake, and Natural Resources Committee. See related SB 717.
- HB 650** Citizen environmental boards; permitting authority and membership. **Failed in committee:** House Agriculture, Chesapeake, and Natural Resources. See related HB 18, HB 19, HB 1332, and SB 423.
- HB 723** Virginia Resources Authority (VRA); authorized to finance park and recreation projects. **Passed and approved by governor.** Companion bill is SB 473.
- HB 727** Natural resources funding; allocates annually percentage of revenue generated by sales and use tax. **Failed in committee:** House Appropriations.
- HB 962** Residential Property Disclosure Act; disclosure of stormwater detention facilities. **Failed in committee:** House General Laws. Companion bill is SB 454.
- HB 976** Single lot development; developers to provide stormwater management. **Failed in committee:** House Counties, Cities and Towns. Companion bill is SB 457.
- HB 1115** Forest protection; increases annual amount a locality pays to State Forester. **Passed and approved by governor.**
- HB 1116** Environmental impact reports; required for any major state construction project over \$500,000. **Passed and approved by governor.**
- HB 1214** Trees, state-owned; increases minimum threshold for sales thereof from state forests. **Passed and approved by governor.**
- HB 1331** Department of Agriculture and Consumer Services; revising and recodifying pertinent laws. **Passed.**
- HB 1332** Citizen environmental boards; authority to issue and enforce permits. **Water Center note:** This is a much-publicized measure that originally would have transferred permitting authority from the citizen boards—Air Pollution Board, State Water Control Board, and Waste Management Board—to the director of the Department of Environmental Quality (DEQ). It was amended to maintain permitting authority by the boards but to add certain other requirements on the boards' procedures and membership (numbers and qualifications) and to the qualifications required for the DEQ director. **Passed and approved by governor.** Companion Senate bill is SB 423. Also see related HB 650.
- HB 1335** Virginia Natural Resources Commitment Fund established; any funds that may be appropriated or generated from other sources are to be used for the DCR's agricultural best management practices (BMPs) cost-share programs. **Passed and approved by governor.** Companion bill is SB 511.
- HB 1405** Residential Property Disclosure Act; disclosure of existence of any above-ground or underground storage tanks on the property prior to settlement. **Failed in committee:** House General Laws.
- HB 1408** Betterment loans; Director of DEQ to determine procedures for qualifying the owners of failing septic tanks, underground storage tanks, and contaminated dry cleaning stores. **Failed in Committee:** House Agriculture, Chesapeake, and Natural Resources.
- HB 1533** Television Waste Recycling Act; established. **Carried over to 2009.** See related HB 344.
- HB 1549** Glass containers; on-premises licensees of Virginia Alcoholic Beverage Control Board required to recycle. **Failed in committee:** House General Laws.
- HB 1567** Nutrient management training; expands an existing training program to include a voluntary program for commercial providers of lawn care or landscaping services to reduce nonpoint source pollution. **Carried over to 2009.**
- HJ 100** Hospitality-related services and functions at state parks; DCR to study privatization. **Failed in committee:** House Rules.
- HJ 169** Plastic bags; DEQ to study policies to mitigate negative effects of improper disposal. **Failed in committee:** House Rules. Companion bill is SJ 82.

- HJ 171** Endocrine disrupting compounds (EDC); DEQ to study effects on environment and other issues related to EDC use and disposal. **Failed in committee:** House Rules.
- SB 43** Environmental impact reports; changes dollar threshold—from \$100,000 to \$1 million—for requiring a state or local authority to submit impact reports for state projects. **Passed and approved by governor.**
- SB 166** Trees; allows certain localities to lower required minimum replacement period to 15 years (from current 20) during development process. **Carried over to 2009.** See related HB 1437 and SB 170.
- SB 254** Staunton River State Park; authorizes DCR to grant a 20-foot wide easement across a portion of the park. **Passed and approved by governor.**
- SB 303** Lake Anna State Park; authorizes DCR to grant a 30-foot wide easement across a portion of the park. **Passed and approved by governor.**
- SB 308** State Forester; authorizes right of entry to inspect any forest lands or logging operations to carry out state forestry laws. **Passed Senate; House carried over to 2009.**
- SB 423** Citizen environmental boards; authority to issue and enforce permits, etc. related to air and water pollution. See Companion House bill 1332 (above) for description. **Passed and approved by governor.** Also see related HB 18, HB 19, and HB 650.
- SB 454** Residential Property Disclosure Act; requires owner to disclose any stormwater detention facilities on a property prior to settlement. **Carried over to 2009.** Companion bill is SB 962.
- SB 457** Single lot development; developers to provide stormwater management when land-disturbing activities occur on more than 15 percent of any single lot. **Failed—stricken at request of patron.** Companion bill is HB 876.
- SB 470** Natural resources funding (for matching grants to local purchase of development rights programs, the Virginia Land Conservation Fund, and the Agricultural Best Management Practices Cost-Share Program); provides annual funding of 20 percent of remaining revenues of state recordation taxes that are not currently allocated, and of unallocated land preservation tax credits in each calendar year. **Carried over to 2009.** See related HB 360 and SB 513.
- SB 473** VRA; authorized to finance park and recreation projects. **Passed and approved by governor.** Companion bill is HB 723.
- SB 511** Virginia Natural Resources Commitment Fund; funds to be used for agricultural best management practices. **Passed.** See companion bill HB 1335 (above) for more details.
- SB 513** Nonpoint source pollution reduction. See companion bill HB 360 (above) for details. **Passed and approved by governor.** See also related SB 470.
- SB 648** Used motor oil and other automotive fluids; strengthens and broadens the current recycling program for used motor oil and used oil filters to include all automotive maintenance fluids and to require that the DEQ maintain a related toll-free hotline number. **Passed and approved by governor.**
- SB 679** Forest firefighting by localities or volunteer fire or rescue; authorization for recovery of costs expanded to include localities, not just the State Forester. **Passed and approved by governor.**
- SB 690** Water Quality Improvement Fund; changes the certification procedures for reimbursement to localities for costs of nutrient-removal upgrades. **Passed and approved by governor.**
- SB 717** Fossil fuel combustion products permit; requiring a solid waste permit to authorize the placement of unamended coal combustion byproduct as structural fill in a 100-year flood plain. **Passed Senate; failed in committee:** House Agriculture, Chesapeake, and Natural Resources. See related HB 514.
- SB 752** Brownfields; DEQ required to give public notice of voluntary remediation plans required owners of property within 100 feet or that has been contaminated. **Carried over to 2009.**
- SJ 82** Plastic bags; DEQ to study policies to mitigate negative effects. **Failed—stricken at request of patron.** Companion bill is HJ 169.

### **Air Quality and Greenhouse Gas Emissions Bills listed under Conservation**

- HB 643** Air emissions; operators of major stationary sources of air pollution to comply with National Ambient Air Quality Standards. **Failed in committee:** House Agriculture, Chesapeake, and Natural Resources.



- HB 793** Greenhouse gas emissions; Secretary of Natural Resources to develop a strategy to reduce levels by 30 percent of 2005 levels by 2025 and 80 percent by 2050. **Failed in committee:** House General Laws.
- HB 1230** Greenhouse gas emissions; Air Pollution Board required to establish mandatory reporting for stationary sources. **Failed in committee:** House Commerce and Labor. Companion bill is SB 234.
- HB 1437** Trees; authorizes certain localities belonging to an air-quality non-attainment area to require conservation of specified tree-canopy percentages during the land development process. **Passed and approved by governor.** Companion bill is SB 710.
- HJ 109** Coal-fired generation facilities; Joint Legislative and Audit Review Commission (JLARC) to study economic impact of further investment (specifically the risk if the federal government were to regulate carbon and the emission of greenhouse gases). **Failed in committee:** House Rules.
- SB 233** Statewide Transportation Plan; required to include quantifiable measures and achievable goals for greenhouse gas emission. **Passed Senate; House carried over to 2009.** (The House Transportation Committee added an amendment to apply the bill only to carbon dioxide, not to other greenhouse gases.)
- SB 234** Greenhouse gas emissions; Air Pollution Board to establish mandatory reporting for stationary sources. **Passed Senate; failed in committee:** House Commerce and Labor. Companion bill is HB 1230.
- SB 632** Trees; conservation of during land development process for air quality improvement. **Failed—stricken at request of patron.** See related HB 1437 and SB 710.
- SB 710** Trees; conservation during the land development process. **Passed and approved by governor.** See Companion bill HB 1437 (above) for more details.
- SB 712** Cap and trade system for NO<sub>x</sub> (nitrous oxide) and SO<sub>2</sub> (sulfur dioxide) in air-quality non-attainment areas; specifies the circumstances under which the Air Pollution Board can prohibit electrical-generating facilities from achieving compliance through a cap-and-trade system. **Carried over to 2009.**
- SB 748** Alternative fuels; specifies the conditions under which air-emission permit modifications, etc., are *not* required. **Passed and approved by governor.**

### **Land Conservation Bills**

- HB 260** Abandoned railroad corridors; allows DCR to acquire for use as greenways, linear parks, or potential transportation corridors. **Failed in committee:** House Agriculture, Chesapeake, and Natural Resources.
- HB 388** Conveyance of easements by state agencies (clarification of the process). **Passed and approved by governor.**
- HB 662** Land preservation tax credit program; includes as a confidential tax document any document that is required to be filed with the DCR under the land preservation tax credit program. **Passed and approved by governor.**
- HB 849** Land preservation tax credits; specifies when a taxpayer is deemed to give consent regarding certain tax information. **Passed and approved by governor.**
- HB 1283** Land preservation tax credit; eliminates requirement for DCR verification of the conservation value of land donations that will result in \$1 million or more in land preservation tax credits, and establishes instead a review and administrative appeal process under the Department of Taxation. **Failed in committee:** House Finance. Companion bill is SB 259.
- SB 259** Land preservation tax credit; elimination of verification of conservation value. **Carried over to 2009.** See companion bill HB 1283 (above) for more details.
- SB 641** Land preservation tax credit; value of credit for conveyance for public parks, recreational areas, or trails. **Carried over to 2009.**
- SB 744** Land preservation tax credit; establishes process where properties are registered with Dept. of Taxation. **Carried over to 2009.**
- SJ 76** Open-Space Land and Farmlands; continues for one more year the Joint Subcommittee Studying Long-Term Funding for the Purchase of Development Rights to Preserve Open-Space and Farmlands. **Passed Senate; failed in committee:** House Rules.

**SJ 96** Private landowners; Board of Forestry to study provision of ecological services incentives for private landowners to hold and preserve forest lands. **Failed—stricken at request of patron.**

## **DRAINAGE, SOIL CONSERVATION, SANITATION, AND PUBLIC FACILITIES DISTRICTS**

**HB 517** Onsite soil evaluators; Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals to adopt regulations designating classes of onsite soil evaluators.

**Passed and approved by governor.**

**HB 518** Onsite soil evaluators; specifies exemptions from license requirements. **Passed and approved by governor.**

**SB 378** Stormwater; authorizes the Soil and Water Conservation Board to promote reuse and reclamation. **Passed and approved by governor.**

**SB 706** Hampton Roads Sanitation District; redefines the term “sewage disposal system,” specifies conditions for entering into contracts, and applies the provisions of the Virginia Public-Private Education Facilities and Infrastructure Act of 2002 to District construction contracts. **Passed and approved by governor.**

## **ENERGY CONSERVATION AND RESOURCES**

**HB 139** State income tax credit for biodiesel and green diesel fuels producers. The bill incorporated HB 647, which would have provided a tax credit for other kinds of renewable and alternative energy besides biodiesel. **Passed and approved by governor.**

**HB 153** Solar water-heating system pay-as-you-save pilot program; State Corporation Commission to analyze and establish if appropriate. **Failed in committee:** House Commerce and Labor.

**HB 164** Compact fluorescent light bulbs; used required by 2011 in state buildings (owned or occupied). **Failed in committee:** House General Laws.

**HB 171** VRA; authorized to finance local-government energy-conservation and energy-efficiency projects. **Passed and approved by governor.** Companion bill is SB 242.

**HB 239** Real estate tax; expands the definition of energy-efficient buildings a separate real estate tax classification. **Passed and approved by governor.** Companion bill is SB 174.

**HB 418** Uniform Statewide Building Code; energy-efficiency rating to be included in final inspection. **Failed in committee:** House General Laws.

**HB 543** Natural gas utilities alternative ratemaking plan; authorizes any natural gas utility to file a conservation and ratemaking efficiency plan that includes, among other provisions, a normalization component to remove the weather effects from the determination of conservation and energy-efficiency results, a decoupling mechanism, and a cost-effective conservation and energy-efficiency program. **Passed and approved by governor.**

**HB 686** Retail Sales and Use Tax; exemptions include Energy Star-rated fluorescent light bulbs. **Failed in committee:** House Finance. See similar HB 1434. Companion bill is SB 280.

**HB 732** Energy-efficient equipment tax credit for *commercial* property. **Failed in committee:** House Finance. See related HB 744.

**HB 744** Energy-efficient equipment tax credit for *residential* property. **Failed in committee:** House Finance. See related HB 732.

**HB 794** Retail Sales and Use Tax; removes “purchased for noncommercial home or personal use” limitation from the Energy Star sales tax holiday. **Carried over to 2009.**

**HB 1195** Green Buildings Act; requires that all major facility projects of state agencies meet the United States Green Building Council Leadership in Energy and Environment Design (LEED) silver certification standard. **Failed in committee:** House General Laws. See similar HJ 68 and SB 447.

**HB 1229** Retail Sales and Use Tax; exemptions include WaterSense products (WaterSense is U.S. EPA water-efficiency rating program). **Passed and approved by governor.**

**HB 1287** Electric energy conservation; State Corporation Commission to conduct a meeting to establish goals. **Failed in committee:** House Commerce and Labor.

**HB 1421** Renewable Energy Research Grant Program and Fund; established under the Virginia Energy Plan for the purpose of attracting public and private funding for renewable energy research in

- Virginia.. **Failed in committee:** House Appropriations (after passing the House Commerce and Labor Committee).
- HB 1434** Retail Sales and Use Tax; exemptions include Energy Star-rated light bulbs. **Failed in committee:** House Finance. See similar HB 686.
- HB 1443** Permitting processes for energy generators; requires the Air Pollution Control Board to develop procedures for the expedited review of applications for the construction of a qualified energy generator. **Passed and approved by governor.**
- HB 1466** Energy electric generating facilities; DEQ required to assess environmental impact of any renewable-energy project, coordinate development of consensus recommendations to address a facility's potential adverse environmental impacts, and identify specific measures, including additional site studies, to mitigate or minimize adverse environment impacts. **Failed in committee:** House Commerce and Labor. See similar SB 321.
- HJ 68** Leadership in Energy and Environmental Design (LEED); Department of General Services to adopt standards for new state office buildings. **Failed in committee:** House Rules. See similar HB 1195.
- HJ 106** Fluorescent light bulbs containing mercury; Recycling Markets Development Council to study costs and benefits of recycling. **Failed in committee:** House Rules.
- HJ 116** Energy-efficient office buildings and public buildings; joint subcommittee to study options. **Failed in committee:** House Rules. Companion bill is SJ 32.
- HJ 129** 25X25 Project; General Assembly to express its support. (The goal of the “25X25 Action Plan: Charting America's Energy Future” is for U.S. farms, forests, and ranches to provide 25 percent of the total U.S. energy consumed in the United States by 2025.) **Failed in committee:** House Rules.
- HR 8** Electric transmission lines; State Corporation Commission to require compliance with conservation and energy requirements. **Failed in committee:** House Rules.
- SB 174** Real estate tax; expands the definition of energy-efficient buildings as a separate real estate tax classification. **Passed and approved by governor.** Companion bill is HB 239.
- SB 242** VRA; authorized to finance local-government energy-conservation and energy-efficiency projects. **Passed and approved by governor.** Companion bill is HB 171.
- SB 280** Retail Sales and Use Tax; exemptions to include Energy Star-rated fluorescent light bulbs. **Failed in committee:** Senate Finance. Companion bill is HB 686; also see related HB 1434.
- SB 320** Solar energy collection devices; limits community association restrictive covenants. **Passed; governor recommended changes.**
- SB 321** Energy electric generating facilities; DEQ to consult with others to consider environmental impact and to develop a coordinated recommendation to submit to the State Corporation Commission specifying any mitigation measures and additional site-specific studies. **Passed and approved by governor.** See similar HB 1446.
- SB 464** Virginia Commission on Energy and Environment; established as a legislative study commission to review and recommend steps to implement the Virginia Energy Plan. **Passed; governor recommended changes.**
- SB 447** Green Buildings Act; requires all major state projects to meet the standards of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) building rating system or the Green Building Initiative's Green Globes building rating system (with provisions for exemptions). **Passed Senate; failed in committee:** House General Laws. See similar HB 1195 and HJ 68.
- SB 525** Uranium Mining Commission; establishes a 17-member legislative branch advisory commission to assess the risks and benefits of developing uranium resources in Virginia. **Passed Senate; failed in committee:** House Rules.
- SB 718** Investor-owned electric utilities; annual report required on efforts to conserve energy. The bill also shortens the time required for updates to the Virginia Energy Plan. **Passed and approved by governor.**
- HB 796** Commission on Climate Change; established to develop a Climate Change Action Plan. **Failed in committee:** House Rules.
- SJ 32** Energy efficient office and public buildings; joint subcommittee to study options. **Passed Senate; failed in committee:** House Rules. Companion bill is HJ 116.

**SJ 94** Commission on Climate Change; recognizes a need for a commission to provide leadership and assist the General Assembly and governor. **Failed—stricken at request of patron.**

## FISHERIES AND HABITAT OF TIDAL WATERS

**HB 303** Menhaden fishery; decreases the annual cap on the harvest of menhaden for commercial purposes by 20 percent each year for five years until a moratorium is reached beginning in 2013.

**Failed in committee:** House Agriculture, Chesapeake, and Natural Resources.

**HB 661** Agritourism Activity Liability Act of 2006; expands liability to marine tourism activities conducted by commercial fishermen. **Failed in committee:** House Courts of Justice (after passing the House Agriculture, Chesapeake, and Natural Resources Committee).

**HB 1208** Subaqueous lands; Marine Resources Commission (VMRC) to convey parcels of previously filled lands along the Elizabeth River in Norfolk to a private party. **Passed and approved by governor.**

**HB 1308** Coastal primary sand dunes; additional localities authorized to adopt ordinances, and three additional plants added to the definition of this feature. **Passed and approved by governor.**

**HB 1317** Subaqueous lands; VRA to convey parcels of previously filled lands along the Lafayette River in Norfolk to a private party. **Passed and approved by governor.**

**SB 377** Crab pots; unauthorized taking of crabs to be a Class 3 misdemeanor. **Failed—stricken at request of patron.**

**SB 528** VRA; waiving permits allowed in emergency situations. **Carried over to 2009.**

## GAME, INLAND FISHERIES, AND BOATING

**HB 319** Fishing permit, special; issued to patients from veterans hospitals or military hospitals.

**Passed and approved by governor.**

**HB 1088** Official records of the Department of Game and Inland Fisheries (DGIF); disclosure under the Freedom of Information Act, with exceptions. **Failed in committee:** House General Laws.

**HB 1250** Personal flotation devices; required for children age 12 and under on vessels less than 26 feet.

**Failed in committee:** House Appropriations (after passing House Agriculture, Chesapeake, and Natural Resources Committee).

**HB 1352** Board of Game and Inland Fisheries; reconstitutes membership, with requirement that members have held a hunting or fishing license or have hunted game animals on their own property.

**Failed on House floor** (after passing House Agriculture, Chesapeake, and Natural Resources Committee).

**HB 1361** DGIF director; requires quarterly reports to the Secretary of Natural Resources. **Passed**

**House; failed in committee:** Senate Agriculture, Conservation, and Natural Resources.

**HB 1502** Alcoholic beverage control; canal boat operator license created. **Passed and approved by governor.**

**HJ 231** Game and Inland Fisheries regulations process; board and department requested to provide for greater citizen input in formulation of regulations. **Passed.**

**SB 552** Fishing license for disabled persons; adds a fishing-license exemption to the hunting-license exemption for persons assisting disabled persons. **Passed and approved by governor.**

**SB 765** Water safety enforcement; requires DGIF to increase enforcement effort on Smith Mountain Lake in summer. **Passed and approved by governor.**

## HAZARDOUS SUBSTANCES

**HB 1089** Toxic substances; removes requirement for biennial Board of Health reports to General Assembly. **Passed and approved by governor.**

**SB 196** Hazardous materials; localities to prohibit initiation of new storage in floodplains for five miles upstream of a public water-supply intake. **Failed—stricken at request of patron.**

**SB 514** Radioactive material; Department of Health established as the state radiation-control agency, and includes provisions related to radioactive material from mining. **Passed and approved by governor.**



**SJ 133** Low-level radioactive waste; Department of Health to study long-term options for disposal. The bill also incorporated SJ 100, which would have established a joint subcommittee to study nuclear energy within Virginia, including the advisability of uranium mining in Virginia. **Passed Senate; failed in committee:** House Rules.

## HEALTH

**HB 193** Private wells; exempts any tract of land less than *three* acres from the prohibition on constructing a private well within 50 feet of an adjacent property used for agricultural operation. **Passed and approved by governor.**

**HB 404** Private wells; exempts any tract of land less than *five* acres from the prohibition on constructing a private well within 50 feet of an adjacent property used for agricultural operation. **Failed in committee:** House Health, Welfare and Institutions.

## HIGHWAYS, BRIDGES, AND FERRIES

**HB 1259** Environmental impact reports; requires any county, city, or town to submit such a report on highway projects costing \$500,000 or more. **Passed and approved by governor.**

**HB 1288** Bridge and safety funding; prioritization by Transportation Board of bridges similar to collapsed I-35 bridge in Minnesota. **Carried over to 2009.**

**HB 1301** Bridge replacement and repair; allows Transportation Board to award contracts for design-build procurement. **Carried over to 2009.**

**SB 94** Patrick County to be designated Covered Bridge Capital of Virginia. **Passed and approved by governor.**

## PUBLIC SERVICE COMPANIES

**HB 1409** Electric utility rates; incentives for use of alternative energy and distributed generation. **Carried over to 2009.**

**SB 324** Utility Facilities Act; exemption for certain renewable energy facilities (producing less than 50 megawatts) from the definition of a public utility and the requirements of the Utility Facilities Act. **Carried over to 2009.**

**SB 446** Renewable energy; requirement that 20 percent of electricity sold in Virginia by from renewable sources by 2020. **Failed in committee:** Senate Commerce and Labor.

**SB 93** Electric Utility Restructuring Act; repeals certain provisions relating to rate of return, recovery of expenses, and incentives for constructing new generation facilities and meeting voluntary renewable energy targets. **Failed in committee:** Senate Commerce and Labor.

## WASTE DISPOSAL

**HB 1398** Tire recycling fee; extended until July 1, 2011. **Passed and approved by governor.**  
Companion bill is SB 665.

**HB 1548** Landfills; prohibits publicly owned landfills from accepting construction and demolition debris under certain conditions. **Carried over to 2009.**

**SB 322** Solid waste as energy source; includes “municipal solid waste” as a renewable energy source in the Electric Utility Restructuring Act. **Passed and approved by governor.**

**SB 665** Tire recycling fee; extended until July 1, 2011. **Passed and approved by governor.**  
Companion bill is HB 1398.

## WATER AND SEWER SYSTEMS

**HB 8** Water and sewer charges; adds the Town of Kenbridge to localities that may attach a lien on real estate. **Passed and approved by governor.**

**HB 294** Water and sewer connections; New Kent County to require connection by certain property owners. **Failed in committee:** House Counties, Cities and Towns.

**HB 358** Water hook-up permits; allows localities to suspend permit requirements during certain emergencies. **Failed in committee:** House Counties, Cities and Towns.

- HB 394** Water and waste authorities; granted powers related to intellectual property rights. **Passed and approved by governor.**
- HB 645** Water Protection Permit; requires the State Water Control Board, prior to issuing a Virginia Water Protection Permit, to consider the permitted project as part of local or regional water supply plans. **Failed in committee:** House Agriculture, Chesapeake, and Natural Resources.
- HB 689** Combined Sewer Overflow Fund; designating conditions for funds to be deposited for use by Lynchburg and Richmond. **Failed in committee:** House Appropriations.
- HB 1166** Onsite treatment works; authorizes the Board of Health, Commissioner of Health, and Department of Health to accept treatment works designs from licensed professional engineers. **Passed and approved by governor.**
- HB 1342** Water and sewer charges; adds Isle of Wight County to localities that may attach a lien on real estate. **Passed and approved by governor.**
- HB 1355** Sewage treatment plants; expanded or upgraded facility may limit amount of septage from onsite systems. **Passed and approved by governor.**
- HB 1380** Sewer system approval/denial; authorizes counties and towns to approve a sewer-system application at a reduced size if the size reduction is in the best interests of the locality. **Failed in committee:** House Counties, Cities and Towns. See similar SB 777.
- HB 1527** Failure to pay sewer charges; provides that in Planning Districts 1 or 2 a water and waste authority may require that water service provided by another entity be discontinued under certain circumstances for nonpayment of sewer charges. **Passed and approved by governor.**
- SB 681** Certified water well systems providers; change to onsite requirements. **Passed and approved by governor.**
- SB 751** Water and sewer rates; specifies circumstances when towns may charge higher rates for out-of-town customers. **Carried over to 2009.**
- SB 755** Water and Waste Authorities Act; power to mandate use of a *specific* solid waste authority. **Failed—stricken at request of patron.**
- SB 777** Water and sewer system denial; authorizes counties and towns to deny a proposed water or sewer system if the system is not in the best interests of the locality or does not conform to a comprehensive plan. **Carried over to 2009.** See similar HB 1380.

## **WATERS OF THE STATE, PORTS AND HARBORS**

- HB 211** Virginia Water Protection Permit for wetlands impacts; exempts construction and maintenance of farm or stock ponds from activities requiring a permit. **Passed and approved by governor.**
- HB 233** Phosphorus in dishwashing detergents; bans use of detergents with over 0.5 percent phosphorus for household dishwashing machines. **Passed and approved by governor.**
- HB 455** North and South Mayo Rivers; designating portions in Henry County as State scenic rivers. **Passed and approved by governor.** Companion bill is SB 40.
- HB 528** Chesapeake Bay Preservation Act; allows localities to set a limit (no less than 30 days) on the time allowed for ordinance appeals. **Passed and approved by governor.**
- HB 555** Mitigation banks; localities authorized to establish, operate, and purchase credits from wetland and stream mitigation banks. **Passed and approved by governor.** Another mitigation bank bill for streams only is SB 361.
- HB 837** Dam break inundation zones; localities given authority to address development in such zones. **Passed and approved by governor.**
- HB 1125** Craney Island Dredged Materials Management Area; authorizes the VRA to grant easements in the lower James River to the Port Authority for the Craney Island expansion. **Passed and approved by governor.**
- HB 1206** Port Authority; allows Authority police officers to provide security beyond where Authority property is located. **Passed and approved by governor.** Companion bill is SB 465.
- HB 1211** Port Authority; authorizes a trust fund to post-employment benefits other than pensions. **Passed and approved by governor.** Companion bill is SB 467.
- HB 1212** Port Authority; authority for employees' automatic enrollment in a deferred compensation plan. **Passed and approved by governor.** Companion bill is SB 466.

- HB 1309** Riparian waterway tax credit; definition of “individual.” **Passed and approved by governor.**
- HB 1457** VRA; authorized to finance construction of local government buildings. **Passed and approved by governor.** Companion bill is SB 56.
- HJ 114** Public's right to float, fish, and navigate waters of State; joint subcommittee to study. **Failed in committee:** House Rules.
- HJ 117** Craney Island Dredged Materials Management Area; JLARC to study impact of greater elevations created by expansion. **Failed in committee:** House Rules. Companion bill is SJ 50.
- HJ 72** Seaports; joint subcommittee to study public-private partnerships. **Passed.**
- SB 40** North and South Mayo Rivers; designating portions in Henry County as State scenic rivers. **Passed and approved by governor.** Companion bill is HB 455.
- SB 56** VRA; authorized to finance construction of local government buildings. **Passed and approved by governor.** Companion bill is HB 1457.
- SB 361** Stream mitigation banks; Henrico County to establish and operate. **Carried over to 2009.** Another mitigation bank bill for streams *and* wetlands is HB 555.
- SB 386** Chesapeake Bay Preservation Act; redefines localities that are under jurisdiction (related to coverage under stormwater law). **Failed—stricken at request of patron.**
- SB 465** Port Authority; allows Authority police officers to provide security beyond where Authority property is located. **Passed and approved by governor.** Companion is HB 1206.
- SB 466** Port Authority; authority for employees' automatic enrollment in a deferred compensation plan. **Passed and approved by governor.** Companion bill is HB 1212.
- SB 467** Port Authority; authorizes a trust fund to post-employment benefits other than pensions. **Passed and approved by governor.** Companion bill is HB 1211.
- SB 594** Dam safety; exempts owners of historically significant dams that do not present an imminent danger from having to correct deficiencies identified in a dam safety inspection conducted by the DCR. **Failed in committee:** Senate Agriculture, Conservation, and Natural Resources.
- SJ 50** Craney Island Dredged Materials Management Area; JLARC to study impact of greater elevations. **Failed in committee:** Senate Rules. Companion bill is HJ 117.