



2019 LEGISLATIVE SUMMARY



Virginia Association of Counties
1207 E. Main Street, Suite 300
Richmond, VA 23219
www.vaco.org



VACo exists to support county officials and to effectively represent, promote and protect the interests of counties to better serve the people of Virginia.

Table of Contents

Vital Statistics from the 2019 Session.....	3
2019 Legislative Priorities.....	4
Overview of 2019 Session Changes to the 2018-2020 State General Fund Budget.....	5
Key Elements of 2019 Appropriations Act.....	11
Summary of Legislation Affecting Counties.....	17
Economic Development and Planning.....	17
Education.....	27
Environment and Agriculture.....	37
Finance.....	56
General Government.....	64
Health and Human Resources.....	85
Transportation.....	99

Vital Statistics from the 2019 Session

	Introduced	Passed Both	Failed	Vetoed
House Bills	1,204	522	721	9
House Joint Resolutions	565	493	74	0
House Resolutions	247	238	9	0
Senate Bills	796	361	580	8
Senate Joint Resolutions	228	199	47	0
Senate Resolutions	88	85	3	0
General Assembly Totals	3,128	1,898	1,434	17

2019 Legislative Priorities

ECONOMIC DEVELOPMENT AND PLANNING

Broadband

VACo urges the Commonwealth and the Federal Government to assist communities in their efforts to deploy universal affordable access to the internet for all areas, particularly in underserved and rural areas. Additionally, VACo opposes mandates that limit or restrict local land use authority for the siting of telecommunications infrastructure or result in a negative fiscal impact to county budgets.

Proffers and Growth Management Tools

VACo supports changes to the conditional zoning law to allow greater flexibility in the application process for determining and addressing fiscal impacts.

VACo also supports legislation that grants localities additional tools to adequately meet increasing needs for public services driven by new development without burdening current residents with the cost of new growth through increased real estate taxes. Such additional tools may include broad impact fee authority for all counties, and adequate public facilities provisions.

EDUCATION

Education Funding

VACo urges the General Assembly to provide full state funding for public education, including the Standards of Quality (SOQ) as recommended by the Board of Education, where these recommendations coincide with prevailing local practice, targeted incentive programs, capital, and maintenance support, and teacher salaries.

Full state funding should be achieved without reduction to other parts of state public education budgets or to other core services. Changes to school security and high school graduation standards will require additional resources to implement and those costs must be adequately funded by the state. VACo supports additional state resources and additional funding options for localities for capital and school construction costs.

VACo supports the current practice whereby all year-end funds appropriated to the school divisions by the locality revert to the locality, retaining discretion with the governing body to evaluate and approve the reallocation of year-end fund balances.

ENVIRONMENT AND AGRICULTURE

Water Quality Improvement Funding

VACo supports effective partnerships across all levels of government as well as adequate financial and technical assistance from the federal and state governments to improve water quality. VACo supports improved water quality but opposes strategies that penalize local governments by withdrawing current forms of financial assistance or imposing monitoring, management, or similar requirements on localities without providing sufficient resources to accomplish those processes. VACo opposes the imposition of a state fee, tax or surcharge, on water, sewer, solid waste, or any service provided by a local government or authority.

Hydraulic Fracturing

VACo supports a stringent state regulatory program for hydraulic fracturing (or “fracking”) that addresses the potential to tap into natural gas reserves in ways that protect public and private groundwater supplies and preserve local government authority to regulate and/or ban this type of mining activity through their land use ordinances. VACo supports transparency efforts that require the disclosure of all chemicals and chemical mixes used in the fracking process prior to their use.

FINANCE

Local Finance

VACo supports the authority of county governments to levy and collect revenue from local business taxes.

Equal Taxing Authority

VACo supports granting counties equal taxing authority to that enjoyed by cities and towns to enact local excise taxes without referendum, such as the authority to adopt a local meals tax without referendum and to levy and collect a tobacco tax.

GENERAL GOVERNMENT

Local Authority

VACo supports the relaxation of the Dillon Rule and legislation maintaining and enhancing local authority and autonomy in matters including land use, revenue measures, procurement and other issues of local concern. VACo supports extending powers currently granted to some local governments to all local governments. VACo opposes legislation that erodes local authority.

Unfunded Mandates

VACo opposes unfunded mandates and shifting fiscal responsibility for existing programs by the Commonwealth from the state to localities. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the Commonwealth, and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided.

HEALTH AND HUMAN RESOURCES

Health and Human Resources Funding

VACo supports transparent state policies and funding to ensure the Commonwealth’s at-risk families have access to high quality and appropriate services. The Commonwealth should provide full funding to localities and their state administrative entities for state-mandated human services and provide the necessary program flexibility to enable localities to provide comprehensive and case-tailored services.

TRANSPORTATION

Transportation Funding

VACo supports a study to examine the causes for declining growth in transportation revenues and to develop recommendations to grow revenue over time to meet increasing demands for new construction and maintenance for existing transportation infrastructure. Such a study must address the secondary road needs of counties throughout the Commonwealth, as such funding has been vastly reduced over the past 10 years.

VACo supports changes to simplify the Smart Scale process for allocating transportation funds to reduce time and costs to prepare and review applications.

VACo supports adequate funding levels to maintain existing transit capital state match rates which are projected to decline starting in 2021 due to the depletion of transportation bonds.

In 2018 the legislature enacted a dedicated funding solution for Metro that came largely through reallocation of existing revenues, at the expense of other significant transportation projects throughout Northern Virginia. To address this issue, VACo supports efforts to replace the regional funding that was redirected from the Northern Virginia Transportation Authority.

Overview of 2019 Session Changes to the 2018-2020 State General Fund Budget



By James J. Regimbal, Jr. | Fiscal Analytics, Ltd.

How Virginia should address a large increase in available revenues was the most prominent policy question of the 2019 General Assembly Session. The nearly \$2.8 billion in additional revenues that were the subject of this discussion were the result of: 1) the large unspent FY 2018 surplus that also increased the base of revenues going forward; and 2) the \$1.2 billion estimated biennial impact on Virginia from sweeping new federal income tax laws that went into effect in tax year 2018. This combination of events was dealt with through \$1.55 billion in spending amendments to the appropriation act and through tax reforms that returned (or reserved for future tax policy changes) the estimated new tax revenue as a result of the federal changes back to taxpayers.

The bulk of the \$1.56 billion increase in GF revenues for appropriation was directed to a \$835 million increase in reserves and a \$423 million increase in Medicaid funding to meet the revised inflation and utilization forecast. The new budget only included a net new \$55 million GF (plus \$34.5 million in additional Lottery funding) for K-12 public education direct aid and Department of Education central office funding. While \$195 million was provided for the state share of teacher salary increases (up to 5 percent), Literary Funds for school construction loans, Lottery per Pupil funding, and At-Risk Add-On and school counselors, \$145 million in GF *savings* were also budgeted, due mainly to lower enrollment projections than last year. While detailed spending changes from last year's budget are provided later in this report, the following chart provides a summary of the enrolled spending changes from last year's approved budget. A few modest spending changes will be included in the table when the Governor approves the final budget.

2019 Session Enrolled Budget							
	Previous	Enrolled		Previous	Enrolled		Biennium
	FY 2019	FY 2019	Change	FY 2020	FY 2020	Change	Change
Legislative and Executive	\$129.5	\$134.6	\$5.1	\$129.4	\$134.3	\$4.9	\$10.0
Judicial Dept.	\$495.7	\$495.7	\$0.0	\$505.1	\$507.3	\$2.2	\$2.2
Administration/Comp Board	\$738.0	\$736.1	(\$1.9)	\$740.2	\$740.0	(\$0.2)	(\$2.1)
Treasury Board Debt Service	\$759.1	\$735.2	(\$23.9)	\$807.6	\$776.4	(\$31.2)	(\$55.1)
Other Finance	\$184.2	\$184.4	\$0.2	\$179.4	\$182.0	\$2.6	\$2.8
Rainy Day Fund Deposit	\$0.0	\$0.0	\$0.0	\$0.0	\$360.5	\$360.5	\$360.5
Car Tax Reimbursement	\$950.0	\$950.0	\$0.0	\$950.0	\$950.0	\$0.0	\$0.0
Commerce and Trade	\$225.7	\$227.5	\$1.8	\$230.1	\$302.3	\$72.2	\$74.0
Agriculture / Nat. Resources	\$213.4	\$219.3	\$5.9	\$173.8	\$256.4	\$82.6	\$88.5
K-12 Education/Central Office	\$6,334.4	\$6,320.6	(\$13.8)	\$6,512.6	\$6,581.4	\$68.8	\$55.0
Higher & Other Education	\$2,109.2	\$2,108.8	(\$0.4)	\$2,176.8	\$2,274.0	\$97.2	\$96.8
DMAS Medicaid	\$4,693.0	\$4,875.3	\$182.3	\$4,775.5	\$4,988.7	\$213.2	\$395.5
Other Health & Human Services	\$1,954.7	\$1,935.1	(\$19.6)	\$2,046.0	\$2,085.2	\$39.2	\$19.6
Public Safety & Veterans/HS	\$2,035.8	\$2,044.5	\$8.7	\$2,041.0	\$2,072.3	\$31.3	\$40.0
Transportation	\$41.0	\$41.0	\$0.0	\$41.0	\$41.0	\$0.0	\$0.0
Central Appropriations	\$81.3	\$87.8	\$6.5	\$288.8	\$273.5	(\$15.3)	(\$8.8)
Cash Reserve	\$45.5	\$342.7	\$297.2	\$45.5	\$222.8	\$177.3	\$474.5
Independent Agencies/Capital	\$0.3	\$0.3	\$0.0	\$0.2	\$0.2	\$0.0	\$0.0
Total GF Appropriations	\$20,990.8	\$21,438.9	\$448.1	\$21,643.0	\$22,748.3	\$1,105.3	\$1,553.4

Revenues

In the budget as passed by the 2019 General Assembly, GF revenues available for appropriation increased by \$1.564 billion compared to the budget enacted last May. This is primarily due to the FY 2018 revenue surplus (\$553 million), which was carried forward into FY 2019. This FY 2018 surplus also increased the 2018-20 biennium revenue base.

In addition, federal tax reform is expected to result in additional revenues for Virginia's state income taxes due to a variety of factors that are likely to change taxpayer behavior, such as the cap on federal itemized deductions and the increase in the federal standard deduction. Without changes to Virginia income tax laws, an estimated \$1.2 billion in additional revenues for Virginia was expected in the 2018-20 biennium due to federal tax reform. However, the General Assembly did enact changes to Virginia's tax code (discussed in detail below) that reduced the federal tax reform revenue available by an estimated \$976 million – leaving about \$230 million in additional revenue for appropriation in the budget.

Finally, the General Assembly enacted legislation requiring all internet-based companies that generate more than a minimum threshold of transactions in Virginia to begin collecting sales taxes on July 1, 2019. Beginning in FY 2020, internet sales tax collections will increase state and local revenues by about \$150 million per year (\$82.5 million GF).

All together, these changes result in GF revenue and transfers growth of 3.2 percent for FY 2019 and 4.8 percent in FY 2020.

Change in GF Revenue Available for Appropriation (\$ Mil)			
	<u>2018 Chapter 2</u>	<u>2019 Enrolled</u>	<u>Change</u>
Balances	\$234.2	\$839.2	\$605.0
Revenues	\$41,149.8	\$42,085.4	\$935.6
Transfers	\$1,252.0	\$1,274.9	\$22.9
Total Resources Available for Appropriation	\$42,635.9	\$44,199.5	\$1,563.6

One major twist to the official revenue growth estimates for FY 2019 is that most of the extra revenue resulting from federal tax reform in FY 2019 will not be counted in the official revenue estimates, and will not be appropriated nor counted for determining Rainy Day Fund deposits. Rather, up to \$450 million certified by the Governor as a result of federal tax reform will be set aside for individual income tax refunds of up to \$110 for single filers and \$220 per married filers, due to be distributed October 2019. Any certified surplus above \$450 million will be deposited to a new Taxpayer Relief Fund. Therefore, in reality GF revenues for FY 2019 will need to grow 5.9 percent, not 3.2 percent, to account for the \$450 million necessary to provide the full refunds next fall and the expected \$80 million deposit to the Taxpayer Relief Fund. The tax refunds will be prorated if actual FY 2019 revenues do not exceed the official forecast by \$450 million.

Tax Reform

During the 2019 Session, the Virginia General Assembly enacted state tax reform in response to impacts from the federal Tax Cuts and Jobs Act of 2017 (TCJA). The new state tax law returns (or intends to return) *individual* income tax revenue resulting from enactment of the TCJA back to taxpayers. With a couple of relatively minor exceptions, additional new *business*-related tax revenue generated for the state as a result of the TCJA is retained in the state general fund. This business-related tax revenue is expected to grow to over \$400 million by FY 2023.

The TCJA was the largest federal tax reform legislation in over 30 years - impacting both individuals and businesses. Beginning in tax year 2018, federal tax changes included up to 20 modifications for individuals and up to 30 modifications for business and corporate tax returns. The estimated federal tax impact on Virginia residents and businesses amounted to a *reduction* of about \$4 billion per year in federal tax collections, mainly due to a lowering of federal income tax rates. In contrast, the TCJA modified income definitions and rules that created large potential state revenue *increases* by subjecting more income to Virginia's unchanged tax rates. Without changes to Virginia tax law, estimated increases in state revenue resulting from the TCJA would have amounted to \$594 million in FY 2019, growing to \$950 million in FY 2024. Individual income tax changes under the new federal law are temporary and expire after tax year 2025. The business tax changes are permanent.

Over the years, Virginia has routinely conformed to small changes in federal income tax laws so that key definitions of income are the same for taxpayers' federal and state returns, thereby easing the process of filing Virginia tax returns. However, due to the large changes in TCJA, Virginia conformity to the new federal income definitions was a bigger than normal issue and became wrapped up in the larger Virginia tax reform response to TCJA. The enactment of HB 2529/SB 1372 conformed Virginia to most new provisions in TCJA beginning in tax year 2018, while also altering several Virginia income tax provisions to provide tax relief.

First, Virginia will provide a one-time individual income tax refund of up to \$110 for single filers and \$220 for married filers prior to October 1, 2019, to all taxpayers (refunds will be smaller for taxpayers with tax liability less than these amounts). These refunds are contingent on FY 2019 revenues increasing as expected, with the refund cost being \$420 million. For businesses, \$32 million in permanent tax relief is provided beginning in tax year 2018 by 1) a subtraction modification to certain corporate global intangible low-taxed income ("GILTI") and 2) a partial 20 percent restoration of net interest deductions eliminated in the new federal law. Finally, an additional \$80 million is reserved in the Taxpayer Relief Fund in FY 2019. In total, \$532 million is returned or reserved for taxpayers from FY 2019 revenues, equaling the estimated individual income revenue resulting from federal tax reform. The remaining \$62 million, mostly resulting from federal business provision changes, remains in the state general fund.

The bulk of the new state tax reform is effective in tax year 2019 through tax year 2025 – matching the temporary nature of the federal individual tax changes. For individuals, the Virginia standard deduction is increased from \$3,000 to \$4,500 for singles and married taxpayers filing separately, and from \$6,000 to \$9,000 for married taxpayers filing joint returns. New state law de-conforms from the federal \$10,000 limitation on property tax deductions and allows an individual income tax deduction for the actual amount of real and personal property taxes imposed by Virginia or any other taxing jurisdiction. New state tax law also re-imposes the "Pease" limitation for high income taxpayers. This provision *reduces* itemized deductions by 3 percent of the amount by which a taxpayer's adjusted gross income exceeds the threshold amount (\$261,500 for singles; \$313,800 for married filers). Finally, any individual taxpayer revenues generated from TCJA above the amount returned must be transferred to the "Taxpayer Relief Fund" for future tax relief.

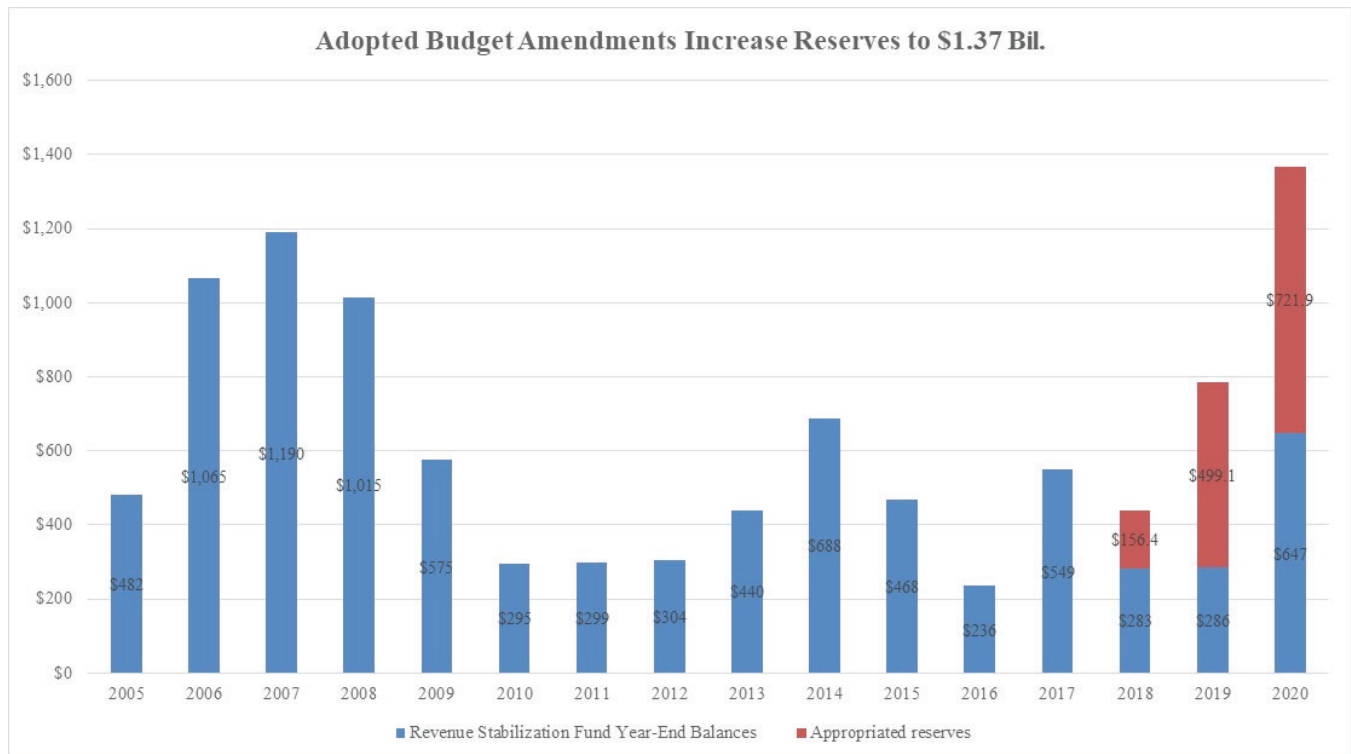
The following table presents the estimated state revenue impacts from the TCJA and the corresponding enacted state tax reform.¹

Estimated Revenue Impact (\$ Mil.)

TCJA Impact:	<u>FY 19</u>	<u>FY 20</u>	<u>FY 21</u>	<u>FY 22</u>	<u>FY 23</u>	<u>FY 24</u>
Individual Income	\$532	\$444	\$467	\$493	\$520	\$546
Business and International	<u>\$62</u>	<u>\$167</u>	<u>\$187</u>	<u>\$306</u>	<u>\$423</u>	<u>\$405</u>
Total TCJA Est. Impact	\$594	\$611	\$654	\$799	\$943	\$951
State Tax Reform:						
\$110 S/\$220M Refund	(\$420)	\$0	\$0	\$0	\$0	\$0
50% Standard Deduction Increase, Unlimited Property Tax Deduction, Deconform Pease Limitation	\$0	(\$308)	(\$204)	(\$208)	(\$212)	(\$216)
International GILTI and 20% Net Interest Deduction	(\$32)	(\$23)	(\$24)	(\$26)	(\$27)	(\$28)
Taxpayer Relief Fund	(\$80)	(\$113)	(\$238)	(\$260)	(\$281)	(\$302)
Remaining for State GF	\$62	\$167	\$187	\$306	\$423	\$405

Reserve Funds

The highest budget priority from the 2019 Session was adding \$835 million to GF reserves from the additional \$1.56 billion in new available GF revenues. The logic for these new reserves was to increase the state's liquidity to order to weather any future economic downturn, and to ensure that the state maintains its Triple A credit rating. Much of the FY 2018 revenue surplus carried forward was reserved, including a mandatory \$263 million Rainy Day Fund deposit required in FY 2020 and another \$234 million appropriated into the new revenue reserve. In addition, the budget anticipates revenue growth in FY 2020 that will require a Rainy Day Fund deposit of \$97.5 million, due to revenue growth forecasted to exceed the prior 6-year average growth in that fiscal year. Finally, an additional \$243 million revenue reserve deposit was appropriated and added to the \$91 million in revenue reserves appropriated last year. In total, \$1.37 billion in Rainy Day funds and revenue reserves will be set aside by the end of the biennium.



1 For a more complete description of state revenue impacts see the Virginia Department of Taxation fiscal impact statement on SB 1372. <http://lis.virginia.gov/cgi-bin/legp604.exe?191+oth+SB1372FER161+PDF>

Key Elements of 2019 Appropriations Act

K-12 Education

- Provides \$72.7 million in General Funds (GF) in FY 2020 for the state share of a compensation supplement payment up to two percent of base pay, effective September 1, 2019, for funded SOQ instructional and support positions. Maintains \$131 million in the second year for the state share of a three percent salary incentive pay increase with an effective date of July 1, 2019, to school divisions that certify that salary increases of a minimum average of three percent have or will have been provided during the 2018-2020 biennium (in either the first or second year or through a combination of both years). School divisions are eligible for some or all of the state share of funding for the two percent salary incentive increase in the second year if they provide a salary increase between July 1, 2019, and September 1, 2019, even if they were unable to provide the three percent increase over the biennium.
- Provides approximately \$35 million in additional Lottery funding for the Supplemental Lottery Per-Pupil Allocation. School divisions receive the Lottery Per-Pupil Allocation with total flexibility as to how the funds may be budgeted and there is no local match requirement.
- Provides \$10.6 million GF in FY 2019 and \$14.3 million GF in FY 2020 to increase At-Risk Add-On percentages from 13 percent to 14.5 percent in FY 2019, and from 14 percent to 16 percent in FY 2020.
- Adds additional flexibility for school divisions to hire testing coordinators and licensed behavior analysts with At-Risk Add-On funds, which may help reduce workloads of school counselors and free-up the counselors' time, which then can be dedicated to supporting students' non-academic related needs.
- Provides \$12 million GF in FY 2020 to increase state support for additional school counselors in elementary, middle, and high schools. The legislative intent is to lower the school counselor ratios beginning in FY 2020 as follows: from one school counselor per 500 students to one counselor per 455 students in elementary schools, from one school counselor per 400 students to one counselor per 370 students in middle schools, and from one school counselor per 350 students to one counselor per 325 students in high schools.
- Provides \$240,000 GF in FY 2020 for the Grow Your Own Teacher pilot program to provide scholarships to low-income high school graduates who commit to attend a baccalaureate institution of higher education in the Commonwealth and to subsequently teach in high-need public schools in the school divisions in which they graduated from high school.
- Provides \$35 million to the Literary Fund, of which \$30 million will be used for Literary Fund loans for projects on the First Priority Waiting List and \$5 million will be used for an interest rate subsidy program based upon the provisions in [SB 1093 \(Ruff\)](#). SB 1093 offers a 100 percent interest rate subsidy for school divisions with a Composite Index of 0.2500 or below, and a 50 percent interest rate subsidy for school divisions with a Composite Index greater than 0.2500 but less than 0.4000.

School Safety

- Provides \$3 million GF in FY 2020 for the School Resource Officer Incentive Grant Fund; the amount provided for the fund would increase to a total of \$4.7 million, funding an additional 44 School Resource Officer positions.
- Provides \$280,000 GF in FY 2020 for annual active shooter trainings to school and communities.
- Provides \$428,000 GF in FY 2020 for additional training for school resource officers and school security officers, consistent with the recommendations of the House Select Committee on School Safety.
- Provides \$721,000 GF in FY 2020 to expand training provided to local threat assessment team members. Provides for the development of a threat assessment team case management system, consistent with the provisions of [HB 1734 \(Marshall\)](#).
- Provides \$872,000 GF in FY 2020 to enhance and expand the school safety training provided by the Department of Criminal Justice Services to Virginia school personnel.
- Increases the School Security Equipment Grant annual allocation from \$6 million to \$12 million beginning in FY 2020.

Communications Sales and Use Tax Trust Fund

- The 2018 Appropriations Act diverted \$2 million per year from the Communications Sales and Use Tax Trust Fund (representing savings in the telecommunications relay contract that is paid for out of the Trust Fund) to the state General Fund. The introduced budget eliminated the diversion in FY 2020, but the General Assembly restored it.

Next Generation 9-1-1 (NG9-1-1)

- Provides a \$15 million line of credit to the 911 Services Board for capital costs to accelerate implementation of next generation 911 service across the Commonwealth.

Compensation

- Enhances the across-the-board salary increases included in the 2018 Appropriations Act from 2 percent to 2.75 percent for state employees, and from 2 percent to 3 percent for Constitutional officers and state-supported local employees. Increases the merit-based salary increases for state employees in the 2018 Appropriations Act from 2 percent to 2.25 percent. These salary increases take effect July 1, 2019.
- Provides \$139,611 GF in FY 2020 for an additional three percent salary increase for general registrars, effective July 1, 2019, and directs the Department of Elections to study registrars' salaries relative to Constitutional officers' salaries.
- Provides \$31,250 GF in FY 2020 to adjust the salary increase of those Commissioners of the Revenue participating in the Career Development Program from 7 percent to 9.3 percent, effective July 1, 2019, to be consistent with career development increases provided to other Constitutional officers.

Workers' Compensation

- Provides \$300,000 GF in FY 2019 for the Joint Legislative Audit and Review Commission's review of the Workers' Compensation program.

Body-Worn Cameras and Commonwealth's Attorneys' Offices

- Provides \$1.5 million to fund approximately 20 percent of the unfunded positions in Commonwealth's Attorneys' offices, based on the Compensation Board's FY 2019 staffing standards.
- Includes language from the Compensation Board's 2018 workgroup report providing that localities using body-worn cameras will be able to negotiate the issue of additional staffing associated with use of the cameras with their Commonwealth's Attorneys; if an agreement cannot be reached, the locality would be required to provide funding for additional positions at a ratio of 1 position for 75 cameras in use.
- Directs the Secretary of Public Safety and Homeland Security to convene the workgroup examining workload effects on Commonwealth's Attorneys' offices that was established in budget language in 2018 (which was convened by the Compensation Board in fall 2018) and expand its scope to examine workload effects and other fiscal and policy impacts on the state's public safety and judicial agencies.

Procurement

- Directs the Department of General Services to evaluate current law and best practices on the statute of limitations on state contracts for construction services.

Economic Development

- Increases funding for the Enterprise Zone Grant Fund by \$1 million GF in FY 2020 to reduce pro-ration of the Real Property Improvement Grant.
- Clarifies that the installation of solar panels is an eligible expense for the Enterprise Zone Real Property Grant Program, beginning on January 1, 2019, provided the investment is at least \$50,000. Language spells out calculation of grants based on levels of investment and provides that awards based solely on solar installation investments of at least \$50,000 but not more than \$100,000 will be subject to an annual aggregate cap of \$1 million.
- Provides \$1 million GF each year for identification, assessment, and development of industrial sites.
- Directs that \$137,000 GF in FY 2020 be provided to support one position within the Department of Mines, Minerals, and Energy "to assist localities with siting, procurement, land use concerns, and other solar energy-related issues."
- Provides a funding increase of \$100,000 GF in FY 2020 to Virginia's Heritage Music Trail: The Crooked Road, to serve its expanded region (nine additional counties and one city), to build sustainability through leveraging of the requested funding, and to increase the economic impact beyond the current \$9.1 million per year.
- Embeds language implementing the *Wayfair* decision regarding collection of sales and use taxes from remote sellers; captures the first \$40 million collected annually from online retailers with a physical nexus in Virginia for the Major Headquarters Workforce Grant Fund established as part of the Amazon HQ2 project.

Broadband

- Provides an increase of \$15 million GF in FY 2020 for the Virginia Telecommunication Initiative (for total funding of \$23 million over the biennium, when added to amounts included in the 2018 Appropriations Act).

Housing Trust Fund

- Provides an additional \$5.5 million GF in FY 2019 and \$1.5 million in FY 2020 for the Housing Trust Fund, for a total increase of \$7 million over the biennium.

Elections

- Provides \$261,265 GF in FY 2020 for the Department of Elections to implement legislation passed during the session that would assist localities with review of GIS maps used when redrawing boundaries, and to provide localities with GIS maps upon request.
- Removes \$5.9 million GF for FY 2020 that was included in the introduced budget to fund local costs associated with the 2020 Presidential primary; provides \$147,308 GF in FY 2020 for costs expected to be incurred by the Department of Elections associated with the primary.

Children's Services Act

- Delays the final report of the study of private day special education rates directed in the 2018 Appropriations Act from July until October 2019. Private providers had requested additional time in order to provide the consultants conducting the study with the detailed information requested. Language requires the final report to include a list of special education private day programs that did not respond to the provider survey.
- Requires the Department of Education (VDOE) to serve as the lead agency to collect and report data measuring the progress of students in private special education day placements, in keeping with the recommendations of the workgroup convened in 2018 to develop potential outcome measures for progress in these placements. Directs VDOE and the Office of Children's Services to establish a workgroup to further refine the private day outcome measures recommended in the 2018 workgroup. The department is directed to begin collecting outcome data in the 2019-2020 school year if possible, and no later than the 2020-2021 school year.

Mental Health

- Includes language requested by VACo, VML, and the Virginia Association of Community Services Boards to allow the Department of Behavioral Health and Developmental Services (DBHDS) to make funds available prior to the end of the fiscal year to Community Services Boards (CSBs) whose Medicaid billings for previously-uninsured clients have fallen more than 10 percent short of their General Fund reductions incorporated in the 2018 Appropriations Act, and to require reporting on how the expected general fund savings compare to actual Medicaid payments for FY 2019 and in FY 2020, so that adjustments may be made for FY 2020 during the 2020 General Assembly session, if necessary.
- Provides \$7.8 million for crisis services pursuant to the STEP-VA plan adopted in 2017.
- Provides an additional \$2 million GF in FY 2020 for permanent supportive housing, as well as reallocating \$1 million from funding designated for crisis services in the introduced budget. Language requires DBHDS to report on usage of permanent supportive housing.

- Includes several recommendations of the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st century: allowing unspent funds allocated to the Appalachian Telemental Health Initiative to be carried forward rather than reverting to the General Fund; requiring DBHDS to prepare a plan to “right-size” the state hospital system; and increasing the telehealth originating site facility fee in the Medicaid program to 100 percent of the Medicare rate.
- Requires DBHDS to report on the allocation and funding for Programs of Assertive Community Treatment.

Foster Care

- Provides \$1.6 million GF and \$1.2 million NGF in FY 2020 to implement several recommendations from the recent Joint Legislative Audit and Review Commission study of the state’s foster care system, which were incorporated in legislation passed by the General Assembly. These recommendations include establishing a state director of foster care health and safety, funding 10 additional regional foster care positions, funding a regional project manager, funding a compliance dashboard, funding a caseload standard of 15 cases per worker, and funding five positions for monitoring foster care services.
- Provides \$851,000 GF in FY 2020 for training, technical support, and other costs associated with establishing evidence-based programming that will qualify for federal funding under the Family First Prevention Services Act.
- Language directs the Virginia Department of Social Services to review all cases of children in congregate care without a clinical need for this level of care and assist local departments with finding family placements.

Human Trafficking

- Provides \$14,091 GF in FY 2020 to fund state foster care maintenance payments through the Children’s Services Act for child victims of trafficking who are placed in the temporary custody of local departments of social services. Provides approximately \$86,000 in FY 2020 for assessments and other activities required of local departments of social services in suspected cases of child trafficking in accordance with legislation under consideration by the General Assembly.
- Provides \$145,000 GF in FY 2020 for the Department of Criminal Justice Services to develop a statewide response plan to address sex trafficking in Virginia.

Water Quality

- Appropriates funding for the mandatory \$73.8 million deposit to the Water Quality Improvement Fund (WQIF) in FY 2020. Provides a one-time deposit of \$5.9 million GF in FY 2019 to the WQIF for livestock stream exclusion practices. Authorizes \$10 million in bond proceeds for the Stormwater Local Assistance Fund.

Jails

- Provides \$2.5 million in FY 2020 to extend jail mental health pilot programs for an additional 12 months. Directs DCJS to collect data from the pilot sites regarding the services provided to inmates while in jail and after release, as well as numbers of jail safety incidents and inmates re-arrested or re-incarcerated. DCJS, the Compensation Board, and the Board of Corrections are directed to evaluate resources needed to comply

with the behavioral health standards to be developed in accordance with legislation that passed in 2019, to include considering appropriate shares of funding from the state and localities and the appropriate mechanism by which state funding could be provided.

Transportation

- Language directs the establishment of a working group to evaluate the effect of increased fuel efficiency and increasing use of hybrid and electric vehicles on transportation revenues and options to develop a sustainable funding source for transportation infrastructure. The working group shall include representatives of local government associations, the regional transportation authorities, the trucking industry, the motor dealer industry and the motor fuels industries.
- Allows the Commonwealth Transportation Board to allocate supplemental operating funds in FY 2020, not to exceed \$3 million NGF, to transit operators that may otherwise lose operating funds as a result of the new performance-based allocation process developed in 2018.

Reserves

- Maintains mandatory deposit of \$262.9 million GF to the Revenue Stabilization Fund (“Rainy Day Fund”) in FY 2020, based on the FY 2018 surplus.
- Sets aside \$97.5 million in FY 2020 for an anticipated mandatory deposit to the Revenue Stabilization Fund in FY 2022.
- Deposits \$564.7 million in the Revenue Cash Reserve over the biennium.
- Language requires the revenues associated with deconforming from the federal Tax Cuts and Jobs Act’s suspension of the “Pease limitation” on itemized deductions to be deposited into the Revenue Reserve Fund; these revenues may be used for “future tax reform options.”

Other studies of interest

- Language directs the Department of Human Resource Management to convene a workgroup to develop a methodology to be used to determine the amount of funding to be appropriated for state employee salary increases each year and how that funding should be distributed.
- Language directs the Board of Pharmacy to report to the Joint Commission on Health Care on state and local efforts to promote proper drug disposal, including community-based collection and disposal efforts.
- Language directs the Commissioner of Social Services to develop a comprehensive plan for use of the Temporary Assistance to Needy Families (TANF) block grant.
- Language directs the Secretary of Health and Human Resources to convene a workgroup to develop a reimbursement methodology for out-of-network health care providers for emergency services, to be part of future consideration by the General Assembly to address balance billing.
- Extends a study by the Joint Subcommittee to Evaluate Tax Preferences on options for modernizing cigarette taxes by one year.

Summary of Legislation Affecting Counties

Unless otherwise stated, all legislation goes into effect on July 1, 2019.

ECONOMIC DEVELOPMENT AND PLANNING

PASSED LEGISLATION

[HB 1649](#) / [SB 1594](#) Boundary agreement, local; locality allowed to attach to their petitions to circuit court a GIS map.

Amends §§ 152-3108 of the Code of Virginia relating to local boundary adjustments. Allows all localities, in adopting a voluntary boundary agreement, to attach to their petitions to the circuit court a Geographic Information System (GIS) map depicting the boundary change. Current law provides such use of a GIS map is permitted only regarding the boundaries of certain named localities. (*Patrons: Fowler and Dunnavant*)

[HB 1660](#) Landlord and tenant; landlord may obtain insurance for tenant, notice to tenant.

Amends §§ 55-225.24 and 55-248.7:2 of the Code of Virginia that includes a requirement to inform tenants that renter's insurance obtained by the tenant does not cover flood damage and advise the tenant to contact the Federal Emergency Management Agency (FEMA) or visit the websites for FEMA's National Flood Insurance Program or the Virginia Department of Conservation and Recreation's Flood Risk Information System to obtain information regarding whether the property is located in a special flood hazard area. The bill provides

that any failure of the landlord to provide such notice does not affect the validity of the rental agreement. (*Patron: Delaney*)

[HB 1698](#) Zoning Appeals, Board of; written order, certified mail.

Amends § 15.2-2311 of the Code of Virginia to authorize a locality to send a zoning administrator's appeal order using certified mail. Current law allows such an order to be sent only by registered mail. (*Patron: Fariss*)

[HB 1838](#) Virginia Regional Industrial Facilities Act; revenue sharing, composite index.

Amends § 15.2-6407 of the Code of Virginia to require the Department of Taxation's calculation of true values as applied to the Commonwealth's composite index of local ability-to-pay to take into account an arrangement by localities entered into pursuant to the Virginia Regional Industrial Facilities Act whereby a portion of tax revenue is initially paid to one locality and redistributed to another locality. The bill requires such calculation to properly apportion the percentage of tax revenue ultimately received by each locality. The bill has a delayed effective date of July 1, 2021. (*Patron: Marshall*)

[HB 1840](#) Pilot program to facilitate construction of electric transmission facilities to regional business parks.

Amends §§ 56-576 and 56-585.1 of the Code of Virginia to direct the Virginia Economic Development Partnership (VEDP) to conduct a pilot program in the APCo and Dominion service territories to allow each electric utility to construct transmission lines and associated substations to serve regional business parks. Qualifying projects must meet the following requirements:

- The business park must be at least 100 acres in size and classified as a Tier 4 site under [VEDP's Business Ready Sites program](#)

and under the ownership of an Industrial Development Authority (IDA) pursuant to [§ 15.2-4903](#);

- The business park must be located within a qualified “opportunity zone” per federal tax law (For location of such zones in Virginia go to this [interactive map](#) on the DHCD website); and
- Qualifying projects must have revenue sharing agreements between two or more localities.
- The pilot expires at the end of calendar year 2023 and each utility is limited to construct three such transmission lines (no more than seven miles in length) to serve a business park. *(Patron: Marshall)*

[HB 1853](#) / [SB 1537](#) Virginia Property Owners’ Association Act; home-based businesses.

Amends § 55-513.2 of the Code of Virginia, relating to the Virginia Property Owners’ Association Act; home-based businesses. Provides that if a development is located in a locality classifying home-based child care services as an accessory or ancillary residential use under the locality’s zoning ordinance, the provision of home-based child care services in a personal residence shall be deemed a residential use unless (i) expressly prohibited or restricted by the declaration or (ii) restricted by the association’s bylaws or rules. The bill is a recommendation of the Virginia Housing Commission. *(Patrons: Bulova and Surovell)*

[HB 1913](#) / [SB 1663](#) Subdivision ordinance; sidewalks.

Amends § 15.2-2242 of the Code of Virginia, relating to subdivision ordinance; sidewalks. Provides an additional tool to localities to facilitate the construction of sidewalks to connect pedestrian networks. The legislation authorizes localities to adopt a provision to require a sidewalk on lots being developed or subdivided if “...the provision of a sidewalk [the need for which is substantially generated and reasonably required by the proposed development and] is in accordance with

the locality’s adopted comprehensive plan.” Currently a locality may only require a sidewalk if a “... lot being subdivided or developed fronts on an existing street, and adjacent property on either side has an existing sidewalk.” *(Patrons: Bulova and Barker)*

[HB 1966](#) Uniform Statewide Building Code; issuance of building permits.

Amends § 36-105 of the Code of Virginia, relating to the Uniform Statewide Building Code; issuance of building permits. Requires any fees levied by a local governing body to defray the cost of Building Code enforcement and appeals, with the exception of the levy imposed for the support of training programs of the Building Code Academy, be used only to support the functions of the local building department. The bill requires local building departments, when denying an application for the issuance of a building permit, to provide to the applicant a written explanation detailing the reasons for which the application was denied. The applicant may submit a revised application addressing the reasons for which the application was previously denied if the applicant does so, the local building department shall be encouraged to limit its review of the revised application to only those portions of the application that were previously deemed inadequate. *(Patron: Yancey)*

[HB 2007](#) / [SB 1448](#) Eviction; writs of possession and eviction.

Amends several sections in titles 8.01, 16.1, 55 and 58.1 of the Code of Virginia, relating to writs of possession and eviction. Changes the terminology from writ of possession to writ of eviction for the writ executed by a sheriff to recover real property pursuant to an order of possession. The bill specifies that an order of possession remains effective for 180 days after being granted by the court and clarifies that any writ of eviction not executed within 30 days of its issuance shall be vacated as a matter of law, and no further action shall be taken by the clerk. *(Patron: Aird and Locke)*

HB 2060 Real estate with delinquent taxes or liens; appointment of special commissioner, etc.

Amends § 58.1-3970.1 of the Code of Virginia, relating to real estate with delinquent taxes or liens; appointment of special commissioner; increase required value. Increases the required assessed value of property for the purpose of a locality appointing a special commissioner to convey property with delinquent taxes or liens to the locality in lieu of sale at public auction (i) from \$100,000 to \$150,000 in Norfolk, Richmond, Hopewell, Newport News, Petersburg, Fredericksburg, and Hampton and (ii) from \$50,000 to \$75,000 in all other localities. *(Patron: Carr)*

HB 2182 / SB 1681 DGS; surplus property, opportunity for economic development entities to purchase.

Amends §§ 2.2-1130, 2.2-1153, 2.2-1156, 2.2-1157, 10.1-1122, and 36-139.1 of the Code of Virginia to provide that prior to offering surplus property for sale to the public, the Department of General Services shall notify the chief administrative officer of the locality within which the property is located as well as any economic development entity for such locality of the pending disposition of such property. The bill provides that the chief administrative officer or local economic development entity shall have up to 180 days from the date of such notification to submit a proposal to the Department for the use by the locality or the local economic development entity of such property in conjunction with a bona fide economic development activity. *(Patrons: Austin and Mason)*

HB 2139 Transfer of development rights; specified sending and receiving areas.

Amends § 15.2-2316.2 of the Code of Virginia, relating to transfer of development rights; specified sending and receiving areas. Authorizes a locality to designate receiving areas or receiving properties that shall receive development rights only from certain sending areas or sending properties specified by the

locality. The bill also authorizes a locality to provide for areas defined similarly to urban development areas in the ordinance relating to the transfer of development rights. Current law only authorizes inclusion of urban development areas. *(Patron: Thomas)*

HB 2141 Local services districts; broadband and telecommunications services.

Amends § 15.2-2403 of the Code of Virginia, relating to local services districts; broadband and telecommunications services. Authorizes a local governing body, with respect to a service district, to contract with a broadband service provider who will construct, maintain, and own communications facilities and equipment required to facilitate delivery of last-mile broadband services to unserved areas of the service district, provided that the locality documents that less than 10 percent of residential and commercial units within the project area are capable of receiving broadband service at the time the construction project is approved by the locality. *(Patron: Thomas)*

HB 2229 Affordable housing; waiver of fees.

Amends § 15.2-958.4 of the Code of Virginia, relating to affordable housing; waiver of certain fees. Provides that a locality may by ordinance provide for the waiver of building permit fees and other local fees associated with the construction, renovation, or rehabilitation of housing by a private-sector entity that is pursuing an affordable housing development. The bill provides that a locality may determine in its ordinance what constitutes affordable housing and may set other conditions on the waiver of fees as it determines appropriate. *(Patron: Bagby)*

HB 2322 Onsite sewage treatment systems; VDH shall develop a plan for oversight and enforcement.

Require the Department of Health to develop a plan for oversight and enforcement of certain requirements governing onsite sewage treatment systems. Directs the Department of Health to develop a plan for the oversight

and enforcement by the Department of requirements related to the inspection and pump-out of onsite sewage treatment systems that do not require a Virginia Pollutant Discharge Elimination System permit established pursuant to the Chesapeake Bay Preservation Act and are located in counties eligible for participation in the Rural Coastal Virginia Community Enhancement Authority. The bill requires the Department to present such plan to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health prior to implementing the plan. (*Patron: Hodges*)

HB 2342 / SB 1373 Conditional rezoning proffers; extensive changes to conditional zoning provisions.

Amends § 15.2-2303.4 of the Code of Virginia and repeals the third enactment of Chapter 322 of the Acts of Assembly of 2016, relating to conditional rezoning proffers. Makes extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments include the addition of provisions stating that no local governing body shall require any unreasonable proffer, as described in current law. Under current law, no locality may request or accept any unreasonable proffer. Other changes (i) allow an applicant to submit any onsite or offsite proffer that the applicant deems reasonable and appropriate, as conclusively evidenced by the signed proffers, and (ii) state that nothing in the bill shall be deemed or interpreted to prohibit communications between an applicant or owner and the locality or to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality's public facilities. The provisions of the bill are effective as to any application for a rezoning filed on or after July 1, 2019, or for a proffer condition amendment amending a rezoning that was filed on or after July 1, 2019, or to certain other pending applications. The bill also provides that an applicant with a pending rezoning

application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may continue to proceed under the law as it existed prior to that date, and an applicant with a pending rezoning application filed on or after July 1, 2016, but before July 1, 2019, or proffer condition amendment application amending a rezoning for which the application was filed on or after July 1, 2016, but before July 1, 2019, may continue to proceed under the law as it existed during that period. This bill incorporates SB 1524. (*Patrons: Thomas and Favola*)

HB 2375 Zoning ordinance; review of proposed amendments.

Amends § 15.2-2285 of the Code of Virginia, relating to adoption of zoning ordinance. Provides that if a local governing body reduces the time period by which a planning commission shall review a proposed zoning ordinance amendment to less than 100 days, the governing body shall hold at least one public hearing on the proposed reduction of the commission's review period and publish notice of such public hearing at least two weeks prior to the public hearing date and shall also publish the notice on the locality's website, if one exists. (*Patron: Roem*)

HB 2541 / SB 1618 Telework Promotion and Broadband Assistance, Office of; and Broadband Advisory Council, expiration.

Amends § 2.2-2699.3 of the Code of Virginia, relating to the Office of Telework Promotion and Broadband Assistance and the Broadband Advisory Council; expiration. Extends the expiration of the Office of Telework Promotion and Broadband Assistance from July 1, 2019, to July 1, 2021. (*Patrons: Byron and Edwards*)

HB 2569 / SB 1094 Family day homes; zoning permits.

Amends § 15.2-2292 of the Code of Virginia, relating to family day homes; zoning permits. Under current law a locality may by ordinance allow a zoning administrator to use an administrative process to issue zoning permits

for a “family day home” accommodating 5 to 12 children under the age of 13. This bill modifies this provision in two ways. First, it changes “may” to “shall” so that if no written objections to a proposed daycare for 5-12 children are received, then the zoning administrator must issue the permit. Second, new language lays out a process whereby the zoning administrator may issue or deny the permit if objections are received, or (if required by ordinance) kick the decision up to the local governing body for consideration. Counties that utilize this optional provision to issue zoning permits should review these changes and consider how to proceed in updating their approval process. *(Patrons: LaRock and Favola)*

HB 2621 / SB 1091 Rezoning and site plan approval; decommissioning solar energy equipment, etc.

Amends the Code of Virginia by adding a section numbered 15.2-2241.2, relating to rezoning and site plan approval; decommissioning solar energy equipment, facilities, or devices. Requires a locality, as part of the local legislative approval process or as a condition of approval of a site plan, to require an owner, lessee, or developer of real property to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon certain terms and conditions, including right of entry by the locality and financial assurance. This bill incorporates SB 1398. *(Patrons: Ingram and Reeves)*

HB 2691 Electric utilities; provision of broadband services to unserved areas.

Amends the Code of Virginia by adding a section numbered 56-585.1:8, relating to a pilot program for the provision of broadband capacity to unserved areas of the Commonwealth by certain electric utilities. Requires the State Corporation Commission to establish pilot programs under which Dominion Energy and Appalachian Power may submit a proposal to provide or make available broadband capacity to non-

governmental internet service providers in areas of the Commonwealth that are unserved by broadband. The costs of Dominion Power’s proposal are capped at \$60 million annually. The provision of such broadband capacity is declared to be in the public interest. The measure authorizes the utilities to recover the net costs of the pilot program from customers through a rate adjustment clause. The measure authorizes such utility to become licensed to own or lease broadband capacity equipment. The measure requires the Commission to conduct proceedings to determine whether an area is unserved by broadband. *(Patron: O’Quinn)*

HB 2726 Local workforce development boards; career pathways for opportunity youth, report.

Amends the Code of Virginia by adding a section numbered 2.2-2472.3, relating to local workforce development boards; career pathways for opportunity youth. Requires each local workforce development board to develop focused strategies for engaging opportunity youth and placing them on pathways to education, training, and careers. The bill also provides for local workforce development boards to develop performance measures for evaluating the results of the implementation of such strategies and submit the measures annually to the Governor’s Chief Workforce Development Advisor by November 30. “Opportunity youth” is defined in the bill as individuals between the ages of 16 and 24 who are (i) homeless, in foster care, or involved in the justice system or (ii) neither gainfully employed nor enrolled in an educational institution. *(Patron: James)*

HB 2738 / SB 1695 Public utilities; acquisition of rights-of-way for economic development sites.

Amends the Code of Virginia by adding a section numbered 56-235.12, relating to public utilities; acquisition of rights-of-way for qualified economic development sites. Authorizes a public utility providing water,

sewer, electric, or natural gas service to propose an Economic Development Program (Program) under which it may acquire utility right-of-way for one or more qualified economic development sites. A proposal for a Program is required to include an analysis of how acquiring the rights-of-way will enhance the Commonwealth's infrastructure and promote the Commonwealth's competitive business environment by improving the readiness of a qualified economic development site. The measure establishes criteria for the Virginia Economic Development Partnership Authority to certify that an industrial site is a qualified economic development site. The State Corporation Commission (SCC) is authorized to approve a proposal for a Program that satisfies certain conditions, including findings that (i) implementation of the Program will provide significant economic development benefits that might not otherwise be attained absent its approval and (ii) the Program is designed only to acquire utility rights-of-way to a qualified economic development site and not to provide service to other customers or potential customers. A utility's capital investment is capped at one percent of gross plant investment in the aggregate of all of the utility's Programs and at \$5 million for any specific qualified economic development site. *(Patron: Bagby)*

HB 2747 / SB 1707 Southwest Virginia Energy Research and Development Authority; created, sunset provision.

Amends the Code of Virginia by adding in Title 67 a chapter numbered 16, consisting of sections numbered 67-1600 through 67-1607 to create the Southwest Virginia Energy Research and Development Authority (the Authority) to promote opportunities for energy development in Southwest Virginia, to create jobs and economic activity in Southwest Virginia consistent with the Virginia Energy Plan, and to position Southwest Virginia and the Commonwealth as a leader in energy workforce and energy technology research and development. The Authority is charged with, among other tasks, (i) leveraging the

strength in energy research and workforce development of Virginia's public and private institutions of higher education; (ii) supporting the development of pump storage hydropower in Southwest Virginia and energy storage generally; (iii) promoting the development of renewable energy generation facilities on brownfield sites, including abandoned mine sites; (iv) promoting energy workforce development; and (v) assisting energy technology research and development by promoting the development of a Southwest Virginia Energy Park. *(Patrons: Kilgore and Chafin)*

HB 2779 / SB 1785 Enterprise zones; designation.

Amends § 59.1-542 of the Code of Virginia, relating to enterprise zones. Changes from two to three for an enterprise zone designated on or after July 1, 2005, and from two to one for an enterprise zone designated prior to July 1, 2005, the number of times the Governor may renew a five-year designation of an enterprise zone upon recommendation of the Director of the Department of Housing and Community Development. *(Patrons: Edmunds and McDougle)*

HB 2783 Living shorelines; loans to businesses.

Amends § 62.1-229.5 of the Code of Virginia, relating to living shorelines; loans to businesses. Authorizes a local government that has a funding program that provides low-interest loans or other incentives for the establishment of living shorelines to provide such incentives to businesses. The bill includes bed-and-breakfast operations, campgrounds, restaurants, and businesses that use working waterfronts among the eligible businesses, and it requires such a business to be located within a locality that is in the Rural Coastal Virginia Community Enhancement Authority in order to be eligible for loan funding. Current law authorizes the provision of such incentives only to individual residents of the Commonwealth. *(Patron: Hodges)*

HJ 641 Department of Health; rulemaking process; use of rainwater, report.

Requests the Department of Health to evaluate and allow for stakeholder input on additional issues related to use of rainwater as part of the rulemaking process pursuant to a 2018 Act of Assembly, including (i) the conditions under which rainwater may appropriately be used and for what purposes; (ii) standards for the use of rainwater for human consumption; (iii) standards for rainwater harvesting systems, including systems that collect rainwater for human consumption and systems that collect rainwater for use by commercial enterprises but not human consumption; (iv) a requirement that buildings that draw water from both rainwater harvesting systems and public water supplies maintain appropriate cross-connection safeguards; and (v) training and certification requirements for installers of rainwater harvesting systems, including installers of rainwater harvesting systems installed in buildings that draw water from both rainwater harvesting systems and public water supplies. *(Patron: Yancey)*

SB 1292 Virginia Residential Property Disclosure Act; required disclosures, mineral rights.

Amends § 55-519 of the Code of Virginia, relating to the Virginia Residential Property Disclosure Act; required disclosures. Adds to the required residential property disclosure that is furnished by the owner to a buyer (i) that the owner of residential real property makes no representations or warranties as to the condition of the real property with regard to any conveyances of mineral rights and (ii) that before purchasing residential property, a buyer should exercise due diligence in determining whether property is located in a special flood hazard area by contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System. *(Patron: Vogel)*

SB 1346 Electric cooperatives; rates.

Amends § 56-585.3 of the Code of Virginia to authorize any electric cooperative to (i) if it does not hold a membership interest in a utility aggregation cooperative, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the costs of generation facilities, modifications to generation facilities, or pumped hydroelectricity generation and storage facilities; or (ii) adopt any other cooperative's voluntary rate, voluntary program, or voluntary tariff. *(Patron: Newman)*

SB 1559 C-PACE loans; shoreline resiliency improvements.

Amends § 15.2-958.3 of the Code of Virginia to authorize any locality, by ordinance, to authorize contracts to provide loans for the initial acquisition and installation of shoreline resiliency improvements, including improvements for the mitigation of flooding or the impacts of flooding or stormwater management improvements with a preference for natural or nature-based features and living shorelines with free and willing property owners of both existing properties and new construction. Current law authorizes such contracts only for clean energy improvements. Such ordinance shall include (i) a minimum and maximum aggregate dollar amount that may be financed with respect to a property and (ii) if a locality or other public body is originating the loan, a maximum aggregate dollar amount that may be financed with respect to loans originated by the locality or other public body. *(Patron: Lewis)*

SB 1634 Economic revitalization zone, local; towns may establish.

Amends § 15.2-1129.2 of the Code of Virginia to allow any town, by ordinance, to establish one or more economic revitalization zones for the purpose of providing incentives to private entities to purchase real property and interests in real property to assemble parcels suitable for economic development.

This authority is currently available only to cities. Each town establishing an economic revitalization zone may grant tax incentives and provide regulatory flexibility. Properties that are acquired through the use of eminent domain shall not be eligible for the incentives and regulatory flexibility provided by the ordinance. *(Patron: Boysko)*

SB 1711 Broadband service providers; fiber optic broadband lines, railroad crossings.

Amends the Code of Virginia by adding a section numbered 56-16.3 to establish a procedure by which a broadband service provider may obtain approval to place its fiber optic broadband lines across a railroad right-of-way. The measure provides that a broadband service provider may submit to the railroad company a notice of intent to construct, accompanied by a specification exhibit and a standard crossing fee of \$800; if the railroad does not claim within 35 days that special circumstances exist or that the required specification exhibit is inadequate or incomplete, the broadband service provider is deemed to have authorization to commence placing the fiber optic broadband line across the railroad's right-of-way. The measure provides that a railroad company that believes that special circumstances exist may file a petition for relief with the State Corporation Commission. The bill requires the Commission to adopt regulations prescribing the terms and conditions for a crossing. *(Patron: Carrico)*

SB 1759 Underground electric distribution lines; placing in areas of transit-oriented development.

Establishes a pilot program under which Fairfax County may request an electric utility to place underground electric utility distribution lines in transportation projects to serve and facilitate the creation of transit-oriented development in such locality in conjunction with a transportation infrastructure improvement project that the Commonwealth Transportation Board identifies that reduces congestion, improves mobility, incorporates transit systems and improves safety. *(Patron: Surovell)*

SI 309 Virginia Marine Resources Commission; creation of protection zones for submerged cables.

Requests the Virginia Marine Resources Commission to study the feasibility of creating protection zones for submerged fiber optic cables located along Virginia's shores. *(Patron: DeSteph)*

FAILED LEGISLATION

HB 2051 Cemeteries; development, local ordinance.

Provides that local subdivision ordinances may include certain requirements to govern the private development of land containing an existing cemetery. The bill also authorizes localities to adopt ordinances requiring that certain research in local property records be conducted prior to development to identify any cemeteries on the property. *(Patron: McQuinn)*

HB 2314 Local enterprise zone; development of a traffic plan.

Requires that, upon petition of a locality that has adopted a local enterprise zone development taxation program, the Department of Transportation, in consultation with the Virginia Economic Development Partnership and relevant local economic officials, shall develop a traffic plan to support and encourage the development of businesses located in such program zone. *(Patron: Hodges)*

HB 2450 Annexation; alternatives.

Amends the code of Virginia in title 15.2 to make the current temporary moratorium on city annexation permanent by removing the expiration date and references to city annexation throughout the Code. Similarly, provisions regarding county immunity to city annexation are repealed. Towns will continue to have annexation authority. Other amendments seek to promote alternatives to city annexation, including granting authority for a city reverting to town status to refer to itself as a dependent city rather than a town. In addition, for certain local government consolidations, localities may seek to hold an

advisory referendum prior to undertaking the consolidation process. *(Patron: Wilt)*

HB 2686 Zoning Appeals, Board of; changes vote requirement.

Amends §§ 15.2-2308 and 15.2-2312 of the Code of Virginia, relating to board of zoning appeals; vote requirement. Changes the vote requirement for certain board of zoning appeals decisions from a majority of the membership to a majority of the membership present and voting. *(Patron: Knight)* **VETOED**

SB 208 Impact fees; residential development.

Repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses. *(Patron: Stuart)*

SB 714 Local economic development; expenditure shall be first approved by local governing body.

Provides that any local economic development expenditure shall be first approved by the local governing body. *(Patron: Chase)*

SB 944 Cash proffers; impact fees.

Repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public

facilities necessary to serve residential uses. *(Patron: Stuart)*

SB 957 Conditional rezoning proffer; exemption from certain requirements.

Provides that certain provisions enacted in 2016 related to conditional rezoning proffers shall not apply to any county that operates under the county executive form of government that adjoins a county that operates under the urban county executive form of government (Prince William County) or to any city adjoining a county that operates under the urban county executive form of government (Cities of Alexandria, Fairfax, and Falls Church) if such locality enacts an ordinance to provide that such provisions shall not apply. *(Patron: Black)*

SB 1062 Virginia Fair Housing Law; unlawful discriminatory housing practices.

Provides that it is an unlawful discriminatory housing practice for any political jurisdiction or its employees or appointed commissions to discriminate in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, handicap, or because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located. The bill also requires the Fair Housing Board, after consultation with the Attorney General, instead of issuing a charge for a violation, to immediately refer the matter to the Attorney General for civil action in the appropriate circuit court for appropriate relief. *(Patron: McClellan)*

SB 1109 Virginia Fair Housing Law; unlawful discriminatory housing practices, etc.

Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The

bill defines sexual orientation and gender identity. (*Patron: McClellan*)

SB 1479 Karst feature mitigation; authorizes any locality by ordinance to regulate.

Authorizes any locality by ordinance as part of the application process for rezoning property from an agricultural use to a residential use to require (i) the submission of a geological and geophysical survey; (ii) the development of a karst management plan; and (iii) a written disclosure statement to the prospective purchaser of real property and a statement on the deed and record plat that identifies the presence and locations of karst features. (*Patron: Deeds*)

SB 1699 Subdivision and zoning; sidewalks.

Authorizes a locality, through provisions in a subdivision ordinance or zoning ordinance, subject to certain terms and conditions included in the ordinance, to grant a developer of land the option of either (i) dedicating land for and constructing a sidewalk, the need for which is substantially generated by the proposed development and reasonably required by the locality or (ii) contributing funds equivalent to the cost of the dedication of land for and construction of a sidewalk on the property to a sidewalk fund, maintained and administered by the locality. Sidewalk fund may be used by the governing body for sidewalk improvements. (*Patron: Peake*)

SB 1701 Short-term rentals; regulation, urban county executive form of government.

Addresses local ordinances concerning the regulation of short-term rentals in the urban county executive form of government. Mandates that Fairfax County triple the number of nights per year (going from 60 to 180) that residential dwellings be allowed “by right” to

provide short-term rentals typically facilitated through online platforms such as Airbnb, FlipKey, and HomeAway. Fairfax County adopted regulations in 2018 to allow such short-term rentals in residential neighborhoods where previously they were not allowed. Based on input from the community, including 11 public hearings and conduction of an online survey, the Board of Supervisors put in place reasonable restrictions, to address multiple stakeholder viewpoints. (*Patron: Ebbin*)

SB 1761 Landfill permits; adjacent locality approval.

Adds an additional requirement for approval of a new (or expansion of an existing) landfill permit as issued by the Virginia Department of Environmental Quality (DEQ). Specifically, the legislation requires that any application “... shall include certification from the governing body for each locality within a five-mile radius of the facility, other than the locality in which the facility is or will be located, granting approval of the facility.” The practical effect of this legislation would give one county the authority to veto a specific land use within another county’s jurisdiction. If passed, this would set a new precedent in land use law in direct conflict the current zoning authority as outlined § 15.2-2281 (Jurisdiction of localities), which states “For the purpose of zoning, the governing body of a county shall have jurisdiction over all the unincorporated territory in the county...” (*Patron: Sturtevant*)

SB 1762 Traffic impact analysis; solid waste management facilities.

Requires a locality to submit to the Department of Transportation a traffic impact analysis for any proposed rezoning application for a new solid waste management facility. (*Patron: Sturtevant*)

EDUCATION

PASSED LEGISLATION

School Safety

HB 1725 Public school building security enhancements; compliance with Uniform Statewide Building Code, etc.

Amends § 22.1-138 of the Code of Virginia, to require each school board, in consultation with the local building official and the state or local fire marshal, to develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code and Statewide Fire Prevention Code. (*Patron: Knight*)

HB 1729 Guidance counselors; changes name to school counselors, staff time.

Amends the Code of Virginia by adding a section numbered 22.1-291.1:1, to change the name of guidance counselors to school counselors and require each school counselor employed by a school board in a public elementary or secondary school to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students. (*Patron: Landes*)

HB 1732 / SB 1215 School safety procedures; emergency situations, annual training.

Amends the Code of Virginia by adding a section numbered 22.1-137.3, to require each school board to develop training on safety procedures in the event of an emergency situation on school property. The bill requires such training to be delivered to each student and employee in each school at least once each school year. (*Patrons: O'Quinn and Newman*)

HB 1733 / SB 1214 School boards; local law-enforcement agencies, memorandums of understanding.

Amends the Code of Virginia by adding a section numbered 22.1-280.2:3 to require the school board in each school division in which the local law-enforcement agency employs school resource officers to enter into a memorandum of understanding with such local law-enforcement agency that sets forth the powers and duties of the school resource officers to be reviewed every five years, among other provisions. (*Patrons: Gilbert and Newman*)

HB 1734 / SB 1213 School and Campus Safety, Virginia Center for; threat assessment, case management tool.

Amends §22.1-79.4 of the Code of Virginia, to require the Virginia Center for School and Campus Safety to develop a case management tool for use by public elementary and secondary school threat assessment teams and require such threat assessment teams to use such tool to collect and report to the Center quantitative data on its activities. (*Patrons: Marshall and Newman*)

HB 1737 / SB 1220 School crisis, emergency management, and medical emergency response plans; development and review.

Amends § 22.1-279.8 of the Code of Virginia, to require each school board to include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development and review of school crisis, emergency management, and medical emergency response plans. (*Patrons: Wright and Newman*)

HB 1738 School buildings; plans to be reviewed by a professional trained & experienced in crime prevention.

Amends § 22.1-140 of the Code of Virginia, to

require the plans and specifications for new or remodeled public school building construction to be reviewed by an individual or entity with professional expertise in crime prevention through environmental design. *(Patron: Rush)*

HB 1787 / SB 1381 Students; offenses reportable by juvenile intake officers to school division superintendents.

Amends § 16.1-260 of the Code of Virginia, to add (i) threats of death or bodily injury to another person communicated in writing to such person or member of such person's family and (ii) threats to commit serious bodily harm to persons on school property to the list of offenses that a juvenile intake officer is required to report to the school division superintendent when a petition is filed alleging that a juvenile student committed such an offense. *(Patrons: Ransone and McDougle)*

HB 2609 / SB 1130 School resource officers; compulsory minimum training standards.

Amends the Code of Virginia by adding a section numbered 9.1-114.1, to require the Department of Criminal Justice Services to establish, and every school resource officer employed after July 1, 2020, to comply with compulsory minimum training standards for school resource officers and requires that every public school employ at least one school administrator who has completed school safety training. *(Patrons: Jones, J.C. and Locke)*

HB 2720 Public School Security Equipment Grant Act of 2013; security equipment.

Amends § 22.1-280.2:2 of the Code of Virginia, to specify that, for the purpose of eligibility for grants for security equipment through the Public School Security Equipment Grant Act of 2013, security equipment includes building modifications and fixtures, such as security vestibules. *(Patron: Gooditis)*

HB 2721 School security officers; employment, law-enforcement officers previously employed by the U.S.

Amends § 22.1-280.2:1 of the Code of Virginia, to add former employees of any law-enforcement agency of the United States or any state or political subdivision thereof to the list of school security officers allowed to carry a firearm in the performance of his duties, among other provisions. *(Patron: Freitas)*

SB 1406 School boards; staffing ratios, guidance counselors.

Amends §22.1-253.13:2 of the Code of Virginia, to change the name of guidance counselors to school counselors and require school boards to employ school counselors for the 2019-2020 school year at a ratio of 1:375 in elementary school, 1:325 in middle school, and 1:300 in high school subject to the provision of funds in the budget. *(Patron: Dance)* ***HB2053 (McQuinn), which would have provided for higher staffing ratios, consistent with the state share of funding in the 2019 Appropriations Act, was vetoed by the Governor.***

SB 1591 School /Campus Safety, Virginia Center for; guidelines on information sharing.

An uncodified act that directs the Virginia Center for School and Campus Safety to convene a work group to develop guidelines and best practices for the sharing of certain information between a local school board and law enforcement regarding a student whose behavior may pose a threat to the safety of a school or institution or the community. *(Patron: Dunnavant)*

SB 1755 USBC and SFPC; changes to Codes for safety measures for schools.

An uncodified act that directs the Department of Housing and Community Development to

develop proposals for changes to the Uniform Statewide Building Code and the Statewide Fire Prevention Code with the goal of assisting in the provision of safety and security measures for schools for active shooter or hostile threats. *(Patron: Hanger)*

School Modernization

HB 2192 / SB 1331 Public school buildings and facilities; modernization.

Amends the Code of Virginia by adding in Chapter 9 of Title 22.1 an article numbered 3, to provide that it is the legislative intent that public school buildings and facilities be designed, constructed, maintained, and operated to generate more electricity than consumed, and allows local school boards to enter into leases with private developers to achieve that goal, among other provisions. *(Patrons: Rush and Stanley)*

SB 1093 Literary Fund; school modernization.

Amends the Code of Virginia by adding a section numbered 22.1-146.1, to require the Board of Education to create a program in which monies from the Literary Fund would be used to subsidize interest payments by local governing bodies and school boards for school divisions with a local composite index of less than 0.4000 on certain loans from the Virginia Public School Authority for school construction and modernization. The aggregate amount of loans for each fiscal year to an amount to be specified in the general appropriation act. *(Patron: Ruff)*

Tax Related

HB 1634 Sales & Use Tax; additional local tax in Halifax County.

Amends § 58.1-605 of the Code of Virginia, to authorize Halifax County to impose an additional local sales and use tax at a rate, not to exceed one percent, as determined by the governing body, if initiated by a resolution of the local governing body and approved by the voters at a referendum, among other

provisions. Revenue from the tax shall be used solely for capital projects for new construction or major renovation of schools in Halifax County. *(Patron: Edmunds)*

HB 2297 Free public elementary and secondary education; eligibility criteria.

Amends § 22.1-3 of the Code of Virginia, to require that children shall be deemed to reside in a school division when all or any portion of the building in which such person resides is taxable by the locality in which the school division is located and allows said child to register for enrollment in any school division upon which a taxable portion of the residence sits. *(Patron: Simon)*

SB 1015 Education Improvement Scholarships tax credits; pre-kindergarten eligibility.

Amends § 58.1-439.25 of the Code of Virginia, to expand the Education Improvement Scholarships tax credits program by including, as eligible scholarship recipients, children enrolled in or attending nonpublic pre-kindergarten programs whose parents or guardians were unable to obtain services for the children through the Virginia Preschool Initiative, among other provisions. *(Patron: Stanley)*

SB 1365 Education Improvement Scholarships tax credits; benefits and eligibility requirements.

Amends § 58.1-439.25 of the Code of Virginia, to increase the scholarship amount available for an eligible student with a disability from 100 percent to 300 percent of the per pupil amount distributed to the local school division as the state's share of the standards of quality costs, or the actual qualified educational expenses of the student, whichever is less and broadens the definition of "eligible student with a disability" to include any child who is a resident of Virginia for whom an Individualized Education Plan (IEP) has been written and finalized in accordance with the federal Individuals with Disabilities Education Act (IDEA), among other provisions. *(Patron: DeSteph)*

Education Workforce

HB 2037 / SB 1397 Diversifying Teacher Workforce Act; teacher licensure, criteria, etc.

Amends § 22.1-298.1 of the Code of Virginia, to require the Board of Education to issue a teaching license to an individual seeking initial licensure who has not completed the professional assessments prescribed by the Board, if such individual meets certain provisional conditions, among other provisions. *(Patrons: Carroll Foy and Peake)*

HB 2325 School board employees; discipline, private reprimand.

Amends §22.1-298.1 of the Code of Virginia, to require the Board of Education to include, in its regulations that prescribe the requirements for the licensure of teachers and other school personnel required to hold a license, procedures for the written reprimand of such license holders, in addition to existing provisions allowing for the suspension or revocation of such individual's license, among other provisions. *(Patron: Thomas)*

HB 2486 Teacher Licensure; provisional license.

Amends § 22.1-298.1 of the Code of Virginia, to require the Board of Education, in its regulations for licensure by reciprocity, to grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation, among other provisions. *(Patron: Robison)*

SB 1227 Licensed local school board instructional or administrative employees; service retirement allowance.

Amends the second enactment of Chapter 326 of the Acts of Assembly of 2015, to extend by five years the sunset date for provisions requiring school divisions to annually identify and report critical shortages of teachers and administrative personnel and allow retired teachers and administrative personnel to elect to continue to receive a retirement

allowance if they return to employment in a critical shortage area under certain conditions. *(Patron: Chase)*

SB 1713 School bus operators; training.

Amends § 22.1-181 of the Code of Virginia, to require the Board of Education to include in its training program for school bus operators safety protocols for responding to adverse weather conditions and other circumstances, as determined by the Board, where student safety is at risk. *(Patron: Vogel)*

Work and Performance Based Learning and Assessments

HB 2018 / SB 1434 Career and Technical Education Work-Based Learning Guide; Bd of Education shall review and revise

An uncodified act that requires the Board of Education to review and revise its Career and Technical Education Work-Based Learning Guide to expand the opportunities available for students to earn credit for graduation through high-quality work-based learning experiences. *(Patrons: Peace and McClellan)*

HB 2662 High school graduation requirements; work experience, capstone project.

Amends § 22.1-253.13:4 of the Code of Virginia, to direct the Board of Education, in establishing high school graduation requirements, to require high school students, beginning in the 2022-2023 school year, to complete a senior capstone project, portfolio, performance-based assessment, or structured experiment that relates to a work-based learning, service-learning, or community engagement activity. *(Patron: Landes)*

Other

HB 1652 / SB 1005 School calendar; opening day of the school year.

Amends § 22.1-79.1 of the Code of Virginia, to allow each local school board to set the school calendar so that the first day students

are required to attend school is no earlier than 14 days before Labor Day unless the Board of Education waives such requirement for good cause. Certain school boards that were previously granted good cause waivers by the Board of Education bill are exempted from certain requirements. *(Patrons: Robinson and Chase)*

HB 1720/SB 1632 Public elementary & secondary school students; possession or distribution at school.

Amends § 22.1-277 of the Code of Virginia, to provide that no school nurse employed by a local school board or certain other persons authorized by a local school board to deliver health-related services shall be prosecuted for possession or distribution of cannabidiol oil or THC-A oil, to a student who has been issued a valid written certification for the use these oils and that no student shall be suspended or expelled who holds a valid written certification for the use of these oils, among other provisions. *(Patrons: Hurst and Sturtevant)*

HB 1753 School buildings; electronic room partitions.

Amends § 22.1-138 of the Code of Virginia, to prohibit school employees from opening or closing an electronic room partition in any school building except under certain limited circumstances. *(Patron: Sickles)*

HB 1788 Virginia Public Records Act; implementation in local school divisions, recommendations.

An uncodified act that requires the Public School Records Consortium and the Records Oversight Committee to confer with local school divisions on ways in which school boards and school board employees can better promote efficiency and cost-effectiveness in the implementation of the Virginia Public Records Act. *(Patron: Ransone)*

HB 1807/SB 1771 State share for basic aid; duration of certain agreements.

Amends § 22.1-98.2 of the Code of Virginia, to

provide that certain cost-savings agreements between school divisions will remain in effect until terminated by the school divisions instead of at the end of a period of 15 years. *(Patrons: Bell, Richard P. and Hanger)*

HB 1881 Public schools; instruction on the hazards of nicotine vapor products.

Amends § 22.1-206 of the Code of Virginia, to require instruction concerning the health and safety risks of using nicotine vapor products be provided in each school in the Commonwealth, consistent with educational materials from the Virginia Foundation for Healthy Youth and the Department of Education. *(Patron: Keam)*

HB 1985/SB 1298 Department of Education to annually collect data on programs.

Amends the Code of Virginia by adding a section numbered 22.1-277.2:2, to require the Department of Education to annually collect from each school board and publish various enrollment and achievement data on alternative education programs for students who have been suspended, expelled, or otherwise precluded from attendance at school, among other provisions. *(Patrons: Bell, Richard P. and Barker)*

HB 1997 Public elementary and secondary school students; protective orders, notification.

Amends the Code of Virginia by adding a section numbered 22.1-279.3:2, to require any school principal who receives notice that a protective order for the protection of a child enrolled at a public school where such principal is employed, or certain other related orders, to subsequently notify certain school personnel that such order has been issued. *(Patron: Price)*

HB 2107 Public schools; parental review of certain anti-bullying and suicide prevention materials.

Amends the Code of Virginia by adding a section numbered 22.1-207.2:1, to require local school boards to develop and implement policies that ensure parents the right to

review any audio-visual materials that contain graphic sexual or violent content used in any anti-bullying or suicide prevention program. *(Patron: Ransone)*

HB 2123 School boards; boards permitted to enter into College and Career Access Pathways Partnerships.

Amends § 22.1-253.13:1 of the Code of Virginia, to permit each local school board to enter into College and Career Access Pathways Partnerships with educational institutions that offer a career and technical education curriculum and requires any such partnership to specify the course credit options, among other provisions. *(Patron: Carroll Foy)*

HB 2124 / SB 1269 Length of school term; waiver for evacuation.

Amends § 22.1-98 of the Code of Virginia to require the Board of Education to waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from an evacuation directed and compelled by the Governor for up to five teaching days and without impact to the Basic School Aid Fund or the amount paid by a local governing body. *(Patrons: Davis and Cosgrove)*

HB 2384 / SB 1295 Public schools; tobacco products and nicotine vapor products.

Amends § 22.1-79.5 of the Code of Virginia, to require each school board to develop and implement a policy to prohibit the use, distribution, and possession of tobacco products and nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity, among other provisions. *(Patrons: Hope and Spruill)*

HB 2400 School Breakfast Program/ National School Lunch Program; school boards to determine eligibility, etc.

Amends the Code of Virginia by adding a section numbered 22.1-270.2:1, to require each local school board that collects information for participation in the School Breakfast and School Lunch Programs administered by the

U.S. Department of Agriculture to establish and post an online application for student participation in the program. *(Patron: Roem)*

HB 2599 Public schools; prohibits use of seclusion and restraint.

Amends § 22.1-279.1:1 of the Code of Virginia, to require the Board of Education, in its regulations regarding the use of seclusion and restraint in public schools, to specifically identify and prohibit the use of any method of restraint or seclusion that it determines poses a significant danger to the student and establish safety standards for seclusion. *(Patron: Bell, John J.)*

SB 1195 School-based health centers; Va's Children's Cabinet to establish joint task force.

An uncodified act that directs the Virginia's Children's Cabinet to establish a school-based health centers joint task force that is tasked with assessing the current landscape of school-based services and mental health screening, evaluation, and treatment in school settings, among other provisions, for the purposes of providing guidance for localities interested in bolstering or implementing current and future school-based health centers. *(Patron: Dance)*

SB 1586 Public Instruction, Superintendent of; consolidation of surveys.

Amends the Code of Virginia by adding a section numbered 22.1-23.2, to require the Superintendent of Public Instruction to identify any survey, questionnaire, inquiry, or other communication that requires a response from a school board or division superintendent and to work to consolidate as practicable all said communications, in order to reduce the administrative burden of such response. *(Patron: Suetterlein)*

SB 1728 Standards of Learning Innovation Committee; repeal.

Amends § 2.2-2101 of the Code of Virginia, to repeal the Standards of Learning Innovation Committee. *(Patron: Newman)*

FAILED LEGISLATION

HB 1646 Virginia Preschool Initiative; enrollment, funding.

Permits local school boards to offer any unfilled slots in its Virginia Preschool Initiative program that remain unfilled by at-risk students to other age eligible students residing in the school division and to charge a fee for such enrollment. (*Patron: Bourne*)

HB 1710 Public school buses; seat belts.

Requires each new public-school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat and sets a sunset date in which every school bus must be equipped. (*Patron: Krizek*)

HB 1724 Grow Your Own Teacher Pilot Programs Fund; created.

Establishes the Grow Your Own Teacher Pilot Programs Fund and permits the Department of Education to award grants whereby the local school board provides scholarships up to \$7,500 per academic year for the undergraduate education of certain local high school students who commit to return to teach in high need high schools within the same local school division. (*Patron: Krizek*)

HB 1739 Public School Security Equipment Grant Act of 2013; eligible security equipment.

Adds software and mobile applications to the list of security equipment eligible for grants through the Public School Security Equipment Grant Act of 2013. (*Patron: Rush*)

HB 1844 Teachers; annual report on shortages in each school division.

Requires each school board to report to the Department of Education annually the number of full-time teacher vacancies by endorsement area and requires the Department of Education to analyze such data and recommend policies for addressing shortages. (*Patron: Rodman*)

HB 1873 School resource officers and school security officers.

Requires each local school board to annually collect and report to the Virginia Center for School and Campus Safety and the Department of Education data on the use of force against students, arrests of students, student referrals to court, and other disciplinary actions by school resource officers and school security officers. (*Patron: VanValkenburg*)

HB 1877 Adult education programs; requires year-round operation of programs by local school divisions.

Requires year-round operation of adult education programs by local school divisions. (*Patron: Convis-Fowler*)

HB 1869 / SB 1483 Net energy metering; schools.

Directs the State Corporation Commission to establish a pilot program for schools that generate electricity at levels that exceed the school's consumption and directs Appalachian Power Company to conduct a pilot program under which any public school that generates more electricity from a wind-power or solar-power to engage in net metering. (*Patron: Hurst and Deeds*)

HB 1907 / SB 1262 Localities and school divisions; posting of register of funds expended.

Requires every locality of a certain size to post a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information, excepting certain information covered under the Virginia Freedom of Information Act and other items. (*Patrons: VanValkenburg and Sturtevant*)

HB 1919 Dual Enrollment Faculty Credential Grant Fund and Program; established.

Establishes the Dual Enrollment Faculty Credential Grant Fund and Program for the purpose of awarding competitive grants to

school boards to assist high school teachers obtain the credentials necessary to be considered faculty who are qualified to teach dual enrollment courses in high schools in the local school division. (*Patron: Stolle*)

HB 1969 School boards; unexpended local funds.

Requires all sums derived from local funds unexpended by a school board in any year to remain a part of the funds of the school board for use the next year instead of remaining a part of the funds of the governing body that appropriated the funds. (*Patron: Delaney*)

HB 2102 Students who receive home instruction; participation in interscholastic programs.

Prohibits public schools from joining an organization governing interscholastic programs that does not allow participation by students receiving home instruction and other certain conditions. Commonly known as the "Tim Tebow Bill." (*Patron: Freitas*)

HB 2142 School protection officers; definition, compulsory minimum training standards.

Creates a new class of security officers to be used part-time in public schools, defined as a school protection officer, a retired law-enforcement officer as an alternative to either a school resource officer or school security officer. (*Patron: Thomas*) **VETOED**

HB 2222 School boards, local; display of advertising material on school buses.

Permits local school boards to display commercial advertising material on school buses provided certain conditions are met. (*Patron: O'Quinn*)

HB 2275 Passing stopped school bus; certain local ordinances.

Provides that a local ordinance prohibiting passing a stopped school bus adopted by a county applies to infractions that occur in a town located within the county for which the county provides the public-school system. (*Patron: Webert*)

HB 2319 Public elementary and secondary school students; permitted fees and charges.

Prohibits school boards from levying fees and charges on students, except for charging tuition under certain circumstances. (*Patron: Bell, Richard P.*)

HB 2387 Student discipline; alternative education programs.

Requires local school boards to provide alternative education programs for suspended students and assign instructional personnel that produces division wide ratios of students to instructional personnel not greater than 10 to one, among other provisions. (*Patron: Bulova*)

HB 2416 Public charter schools; additional student services, etc.

Establishes a category of public charter schools at which additional student services are provided and allows these charter school applicants to appeal a denial from the local school board to the Virginia Board of Education, who may approve the application over the wishes of the local school board. (*Patron: Davis*)

HB 2463 Children with disabilities; due process hearings, burden of proof.

Specifies that in any due process hearing attempting to resolve disputes relating to the education of children with disabilities, the local school division has the burden of proof, including the burden of production and the burden of persuasion. (*Patron: Tran*)

HB 2568 Child Safety Savings Accounts; established, report.

Permits the parents of children who are victims of bullying and violent acts to apply to their local school division for a Child Safety Savings Account that consists of a portion allocated per-pupil state funds to be used for the placement and education-related expenses of the student at a private school anywhere in the Commonwealth. (*Patron: LaRock*)

HB 2574 School Divisions of Innovation; performance-based assessments.

Allows a local school board, when applying for its school division to be designated as a School Division of Innovation, to apply to the Board of Education to replace certain Standards of Learning assessments with performance-based assessments. *(Patron: LaRock)*

HB 2612 Public school teachers; planning time.

Requires each school board to ensure that each teacher in its employment is provided at least one 45-minute period per school day as planning time that is unencumbered and otherwise uninterrupted, except in the case of the emergency need. *(Patron: VanValkenburg)*

HB 2646 School boards; assignment of teachers, class size limits.

Reduces from 29 to 28 the maximum class size in kindergarten; from 30 to 28 the maximum class size in grades one, two, and three; and from 35 to 29 the maximum class size in grades four, five, and six. *(Patron: Hugo)*

HJ 679 Virginia Retirement System; part-time public school teachers, report.

Requests the Virginia Retirement System to study the impact of permitting part-time public school teachers to participate in a retirement plan administered by the Virginia Retirement System. *(Patron: Ayala)*

SB 1021 Driver education programs; home instruction.

Requires any school board that offers a program of driver education to make the program available to any student who receives home instruction in the local school division, among other provisions. *(Patron: Black)*

SB 1023 Virginia Retirement System; retired law-enforcement officers employed as school security officers.

Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer. *(Patron: Cosgrove)*

SB 1095 Early childhood care and education; establishment, licensure.

Requires the Superintendent of Public Instruction and the Commissioner of Social Services to (i) convene a stakeholder group to consider the development of a statewide unified public-private system for early childhood care and education in the Commonwealth and (ii) collaborate to develop a uniform quality rating and improvement system with required participation by publicly funded early childhood care and education programs and voluntary participation by privately funded providers. *(Patron: Howell)*

SB 1223 School holidays; certain election days.

Prohibits local school boards from requiring students to attend school on the second Tuesday in June or the Tuesday after the first Monday in November, among other provisions. *(Patron: Chase)*

SB 1258 School boards; personnel behavior analysts.

Includes licensed behavior analysts and licensed assistant behavior analysts as support services positions in a local school division for the purposes of Standards of Quality. *(Patron: Dunnivant)*

SB 1275 Junior Reserve Officer Training programs; availability to students receiving home instruction.

Requires any school board that offers a Junior Reserve Officers Training Corps program to make the program available to any student who receives home instruction and resides in the local school division, among other provisions. *(Patron: Black)*

SB 1278 Public schools; increases kindergarten instructional time.

Increase from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten. *(Patron: Barker)*

SB 1330 Voter referendum; school modernization commission.

Provides for a statewide advisory voter

referendum in November 2019 on the question of whether the General Assembly shall issue state general obligation bonds in the amount of \$3 billion for the purposes of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities. *(Patron: Stanley)*

SB 1471 Computation of composite index; land-use assessment value.

Requires the General Assembly to modify the current standards of quality funding formula and the calculation of composite index of local ability to pay to incorporate within the real estate indicator of local wealth the land-use assessment value for those properties located within a land-use plan. *(Patron: Hanger)*

SB 1472 Public schools; Mental Health First Aid training.

Requires each school board to adopt and implement policies that require each teacher and other relevant personnel, as determined by the school board, employed on a full-time basis, to complete a Mental Health First Aid training or similar program. *(Patron: Deeds)*

SB 1587 Public schools; average daily membership, early graduation.

Provides that a student who graduates from a public high school in less than four school years will be counted in the average daily membership in the relevant school division until the graduation of his class cohort or he is no longer of school-age, whichever is earlier. *(Patron: Suetterlein)*

SB 1608 Virginia Fusion Intelligence Center; school safety mobile application.

Requires the Virginia Fusion Intelligence Center to develop or obtain a school safety mobile application to facilitate the provision of real-time week crisis intervention services by licensed clinicians, including support or

crisis counseling, suicide prevention, and referral services to students and youth in the Commonwealth, among other provisions. *(Patron: Dunnivant)*

SB 1629 School boards, local; lead testing potable water.

Requires each local school board to submit its plan to test and remediate certain potable water sources and report the results of any such test to the Department of Health. *(Patron: McPike)*

SB 1702 Public School Assistance Fund and Program; created.

Creates the Public School Assistance Fund and Program, for the purpose of providing grants to school boards to be used solely for the purpose of repairing or replacing the roofs of public school buildings, priority being given to those in the greatest need. *(Patron: Stanley)*

SI 307 JLARC; costs of education, report.

Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality. *(Patron: Lewis)*

Environment and Agriculture

PASSED LEGISLATION

HB 1614 / SB 1248 Stormwater Management Fund, local; locality by ordinance authorized to create.

Amends the Code of Virginia by adding a section numbered 15.2-2114.01, relating to a local Stormwater Management Fund. Authorizes a locality by ordinance to create a local Stormwater Management Fund consisting of appropriated local moneys for the purpose of granting funds to an owner of private property or a common interest community for stormwater management and erosion prevention on previously developed lands. *(Patrons: Cole and Reeves)*

HB 1621 Hunting license; trip hunting license for residents.

Amends § 29.1-303.1 of the Code of Virginia to allow Virginia residents to purchase a trip hunting license in lieu of the standard local or statewide hunting license. Current law allows only nonresidents to purchase a trip hunting license. *(Patron: Fowler)*

HB 1696 Killing of nuisance species; authorizes shooting, etc., from a stationary automobile.

Amends § 29.1-521 of the Code of Virginia to authorize the killing of a nuisance species on private property by the owner of such property or his designee from a stationary automobile or other stationary vehicle. *(Patron: Fariss)*

HB 1715 Dams; prohibited vegetation, certain wetland vegetation allowed.

Amends § 10.1-609.2 of the Code of Virginia,

relating to dams; wetland vegetation. Exempts wetland vegetation growing on certain regulated impounding structures from the requirement that all vegetation be removed from such dams. The bill exempts vegetation associated with a wetland mitigation bank or in-lieu fee site that has regulatory approval and is the subject of a recorded, permanent instrument protecting the vegetation from removal. The bill allows the Department of Conservation and Recreation to require the dam owner to remove trees by flush cutting unless the Department determines on the basis of site-specific information that the grubbing of roots is necessary to protect the integrity of the dam. *(Patron: Bulova)*

HB 1779 Riparian planting ground; assignment eligibility.

Amends § 28.2-600 of the Code of Virginia, relating to riparian planting ground assignment eligibility. Authorizes the Commissioner of the Marine Resources Commission to assign to a land owner who is eligible to apply for riparian planting grounds only a planting ground that the Commissioner, in his discretion, deems appropriate to encompass as much as one-half acre of ground. The bill authorizes the Commissioner to consider assigning an area that the owner designates within his riparian waters and provides that the assignment shall not extend farther than the nearest edge of the channel or the middle of the body of water, whichever is the shorter distance. The bill removes a provision stating that the fee for such assignment shall be \$1.50. *(Patron: Bloxom)*

HB 1822 Virginia Water Quality Improvement Fund; grant for wastewater conveyance facility, etc.

Amends § 10.1-2131 of the Code of Virginia, adds in Article 4 of Chapter 21.1 of Title 10.1 sections numbered 10.1-2127.1 and 10.1-2134.1, and adds a section numbered 62.1-44.15:29.2, relating to Water Quality Improvement Grant; point source pollution; Stormwater Local Assistance Fund. Authorizes the Director of the Department

of Environmental Quality (the Department) to authorize grants from the Virginia Water Quality Improvement Fund (the Fund) for the installation of certain wastewater conveyance infrastructure. Any such infrastructure shall (i) divert wastewater from one publicly owned treatment works that is eligible for grant funding to another such eligible treatment works; (ii) divert wastewater to a receiving treatment works that is capable of achieving compliance with its nutrient reduction or ammonia control discharge requirements and that results in a net reduction in total phosphorus, total nitrogen, or nitrogen-containing ammonia discharges; and (iii) result in no more expense to the Fund than would otherwise be incurred to install eligible nutrient removal technology or other treatment technology at the treatment works from which the wastewater will be diverted.

This bill also directs the Department to consult with stakeholders annually to estimate the amount of grant funding that local governments will request during the upcoming year from (a) the Fund and (b) the Stormwater Local Assistance Fund and to submit those estimates to the Governor as part of a biennial funding report and an annual progress report that are required by current law. (*Patron: Bulova*)

HB 1839 / SB 1692 Industrial hemp; federal Farm Bill.

Amends §§ 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 18.2-247, 54.1-3401, as it is currently effective and as it shall become effective, 54.1-3408.3, and 54.1-3446 of the Code of Virginia and to repeal §§ 3.2-4114.1 and 3.2-4117 of the Code of Virginia, relating to industrial hemp. Conforms Virginia law to the provisions of the federal 2018 Farm Bill by amending the definitions of cannabidiol oil, marijuana, and tetrahydrocannabinol (THC) to exclude industrial hemp in the possession of a registered person, hemp products, or an oil containing no more than 0.3% THC. The bill defines “industrial hemp” as any part of the plant *Cannabis sativa* that has a concentration

of THC that is no greater than that allowed by federal law, and it defines “hemp product” as any finished product that is otherwise lawful and that contains industrial hemp. The bill adds the category of “dealer” in industrial hemp to the existing registration categories of grower and processor.

The bill abolishes the higher education and Virginia industrial hemp research programs, along with the requirement that a grower or processor act exclusively within such a program. The bill authorizes the Commissioner to charge a fee for certain THC testing. Finally, the bill directs the Department of Agriculture and Consumer Services (the Department) to report by December 1, 2019, (a) to the General Assembly on the fiscal impact of the growth of the industrial hemp industry upon the Department’s registration program and the existence of any need to alter the registration fee and (b) to the Chairmen of the House and Senate Agriculture Committees on the viability of markets for Virginia industrial hemp growers, the types of products made from industrial hemp that can be produced in Virginia, and the economic benefits and costs of production of such products. The bill also directs the Secretary of Agriculture and Forestry and the Secretary of Health and Human Resources to report by November 1, 2019, on the appropriate standards, if any, for the production of an oil with a THC concentration of no greater than 0.3 percent that is derived from industrial hemp.

The bill contains an emergency clause to allow for industrial hemp to be planted in time for this year’s growing season. (*Patrons: Marshall and Ruff*)

HB 1874 / SB 1604 Cruelty to animals; increases penalty.

Amends §§ 3.2-6569, 3.2-6570, and 18.2-403.2 of the Code of Virginia to provide that any person who tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any dog or cat that is a companion animal whether belonging to him or another

and as a direct result causes serious bodily injury to such dog or cat is guilty of a Class 6 felony. Current law requires that the animal die for the person to be guilty of the felony. *(Patrons: Ransone and DeSteph)*

HB 2047 Oyster planting grounds; municipal dredging projects.

Amend § 28.2-618 of the Code of Virginia to extend from 2019 to 2035 the sunset date for an exception to the leaseholder's right that allows certain municipal dredging projects to take place in the Lynnhaven River. The bill provides that when such a dredging project is proposed for leased grounds that are subject to beneficial use as oyster-planting grounds, the Commissioner of Marine Resources (the Commissioner) shall review the project to ensure that it avoids affecting such grounds to the maximum extent practicable and, if the project meets such standard, the Commissioner shall notify any leaseholder within the footprint of the proposed navigation channel, requesting a response within 60 days.

The bill then requires the locality to compensate the lessee for the use of the ground by coming to a voluntary agreement or entering into mediation if no agreement is made in 90 days. If the lessee refuses mediation or cannot come to an agreement with the locality within nine months of the offer of mediation, a court of competent jurisdiction shall determine and order fair compensation to the lessee. Finally, the Commission shall hold a hearing on the proposed project. If the compensation has been determined and the project has been approved by the Commission, the Commissioner shall issue the permit for the project. *(Patron: Stolle)*

HB 2292 Electric utilities; energy efficiency programs.

Amends §§ 56-576 and 56-585.1 of the Code of Virginia and provides that any determination by the State Corporation Commission that an energy efficiency program is not in the public interest shall include with its final order the work product and analysis conducted by the staff of the Commission in making that determination. The measure requires that if

the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (i) finding that a program or portfolio of programs is not in the public interest or (ii) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. The measure provides that any utility petitioning the Commission for approval of one or more rate adjustment clauses for energy efficiency programs shall include a proposed budget for the design, implementation, and operation of the energy efficiency programs. The bill requires that any rate adjustment clause approved for an energy efficiency program remain in effect until the utility exhausts the approved budget for the energy efficiency program. *(Patron: Sullivan)*

HB 2293 / SB 1605 Electric utilities; stakeholder process for energy efficiency programs.

Amends the fifteenth enactment of Chapter 296 of the Acts of Assembly of 2018, relating to stakeholder processes for the development of energy efficiency programs. Requires the independent monitor chosen to facilitate the energy efficiency stakeholder process established for the purpose of providing input and feedback on the development of electric utilities' energy efficiency programs to convene meetings of the participants not less frequently than twice each calendar year between July 1, 2019, and July 1, 2028. The measure also requires the independent monitor's report on the status of the stakeholder process. *(Patrons: Sullivan and Ebbin)*

HB 2358 / SB 1414 Potomac Aquifer recharge monitoring; creates advisory board, laboratory established, SWIFT Project.

Amends the Code of Virginia by adding in Title 62.1 a chapter numbered 26, consisting of sections numbered 62.1-271 through 62.1-275,

creating an advisory board and a laboratory to monitor the effects of the Sustainable Water Infrastructure for Tomorrow (SWIFT) Project being undertaken by the Hampton Roads Sanitation District (HRSD). The bill authorizes both the Commissioner of the Department of Health and the State Water Control Board to issue emergency orders to halt injection or make any change to any facility of the SWIFT Project. (*Patrons: Jones and Mason*)

HB 2361 Stormwater management; land-disturbing activities, current regulations.

Amends § 62.1-44.15:28 of the Code of Virginia and provides that the statewide technical criteria for stormwater management that were adopted by the State Water Control Board during 2011 and became effective July 1, 2014, shall be applicable to those land-disturbing activities that are subject to a stormwater management permit that was initially issued prior to July 1, 2014, where notice of transfer of such permit to another party is provided to the Department of Environmental Quality after December 31, 2020, but no land-disturbing activities have commenced before such provision of notice. The bill creates exceptions for projects involving certain governmental bonding or public debt financing and for land-disturbing activities that are served by existing stormwater management facilities. (*Patron: Jones, C.*)

HB 2403 Wetlands; impact, permit requirements for compensation.

Amends § 62.1-44.15:21 of the Code of Virginia and requires the State Water Control Board to evaluate Virginia Water Protection Permits mitigation options for impacts to wetlands on a case-by-case basis with consideration for which option is practicable and ecologically and environmentally preferable, including, in terms of replacement of acreage and functions, which option has the greatest likelihood of success and avoidance of temporal loss of acreage and function. (*Patron: Hodges*)

HB 2547 Electric utilities; net energy metering.

Amends §§ 56-585.1:3, 56-585.3, and 56-594 of the Code of Virginia and adds sections numbered 56-585.4 and 56-594.01, relating to electric utilities; net energy metering by electric cooperatives; community solar development. Establishes requirements for net energy metering by electric cooperatives effective upon the earlier of July 1, 2019, or the effective date of implementing regulations by the State Corporation Commission. Instances where the new net energy metering program's requirements differ from those of the existing program include (i) the cap on the capacity of generating facilities, which will initially be two percent of system peak for residential customers, two percent of system peak for not-for-profit and non-jurisdictional customers, and one percent of system peak for other nonresidential customers; (ii) authorizing an electric cooperative to raise these caps up to a cumulative total of seven percent of its system peak; (iii) legalizing third-party partial requirements power purchase agreements for those retail customers and non-jurisdictional customers of an electric cooperative that are exempt from federal income taxation; and (iv) establishing registration requirements for third-party partial requirements power purchase agreements, including a self-certification system under which a provider is required to affirm certain information to Commission staff, under penalty of revocation of its registration. The measure authorizes the board of directors of an electric cooperative to adjust its rates, terms, conditions, and rate schedules governing net energy metering and prohibits a cooperative after the date of such an adjustment from collecting stand-by charges. The measure authorizes an electric cooperative to adopt a new rate schedule or rider containing demand charges based upon a net energy metering customer's noncoincident peak demand and provides for alternative caps on its net energy metering program. The measure authorizes a cooperative's fixed

monthly charge covering the fixed costs of owning and operating its electric distribution system as an alternative to volumetric charges associated with demand and to and to rebalance among any of the fixed monthly charge, distribution demand, and distribution energy charges. The measure authorizes an investor-owned utility participating in the pilot program for community solar development to move the Commission to make its pilot program permanent. The measure also requires Dominion Power to (a) convene a stakeholder process, using an independent facilitator, to make recommendations to the utility concerning issues related to the implementation of advanced metering technology and related investments in customer information systems; (b) submit to the Commission for approval retail rate schedules designed to offer time-varying pricing; and (c) submit to the Commission for approval an incentive program for the installation of solar equipment for customers served under time-varying retail rate schedules that have advanced-metering technology equipment. *(Patron: Hugo)*

HB 2555 / SB 1165 Gas severance tax, local; extends sunset provision

Amends § 58.1-3713 to extend the sunset date from January 1, 2020, to January 1, 2022, for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. *(Patrons: Pillion and Chafin)*

HB 2637 Loans and grants for agricultural best management practices; riparian buffers.

Amends § 62.1-229.1 of the Code of Virginia, relating to loans and grants for agricultural best management practices; riparian buffers. Authorizes the State Water Control Board to issue loans and grants from the Virginia Water Facilities Revolving Fund for the construction, renovation, improvement, or equipping of facilities or structures to implement

agricultural best management practices to prevent pollution of state waters. Current law authorizes the Board to only issue loans for the construction of such facilities. The bill includes among the types of facilities or structures for which a loan or grant may be issued riparian buffers planted in trees and maintained in accordance with the terms and conditions of the loan or grant. *(Patron: Webert)*

HB 2741 Clean Energy Advisory Board; established, solar energy installation rebates.

Establishes the Clean Energy Advisory Board (the Board) for the purpose of establishing a pilot program for disbursing loans or rebates for the installation of solar energy infrastructure in low-income and moderate-income households. The bill establishes the Low-to-Moderate Income Solar Loan and Rebate Fund to be used to fund loans or rebate payments to electric customers who complete solar installations or energy efficiency improvements. The bill provides that the pilot program is open to any Virginia resident whose household income is at or below 80 percent of the state median income or regional median income, whichever is greater. The bill establishes application requirements and procedures for the review and approval or denial of applications. The bill requires that each applicant document the installation of energy efficiency services to demonstrate that such services lower home energy consumption by at least 12 percent prior to the submission of an application. The bill has an expiration date of July 1, 2022. *(Patron: Aird)*

HB 2745 Dangerous dog; deferral of proceedings, removal of finding.

Amends § 3.2-6540 of the Code of Virginia, relating to dangerous dogs; deferral of proceedings. Authorizes a court to defer proceedings in the adjudication of an animal as a dangerous dog. Such authority requires the court to place conditions upon the owner of the animal, the violation of which shall authorize the court to proceed as it otherwise would have. Provides that upon the fulfillment

of the conditions, the court shall dismiss the proceedings against the animal and the owner.
(Patron: Hope)

HB 2762 Firefighting foam management; use of foam that contains PFAS chemicals.

Adds a new code section numbered 9.1-207.1, relating to firefighting foam management. Prohibits, beginning July 1, 2021, the use for training purposes or for testing, with some exceptions, of a class B firefighting foam that contains intentionally added PFAS chemicals, as defined in the bill. (Patron: Bulova)

HB 2786 / SB 1355 Coal combustion residuals impoundment; closure of CCR units.

Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, within the Chesapeake Bay watershed at Bremon Power Station, Chesapeake Energy Center, Chesterfield Power Station, and Possum Point Power Station to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. The measure requires that any owner or operator beneficially reuse no less than 6.8 million cubic yards in aggregate of such removed CCR from no fewer than two of the sites. Such a closure project shall be completed within 15 years of its initiation and shall be accompanied by an offer by the owner or operator to provide connection to a municipal water supply for every residence within one-half mile, or if such connection is not feasible, the owner or operator shall offer to provide water testing for any such residence. The bill provides that if the owner or operator moves CCR off-site, it shall develop a transportation plan in consultation with any county, city, or town in which the CCR units are located and any county, city, or town within two miles of the CCR units, for any truck transportation that minimizes the effects on adjacent property owners and surrounding communities. The bill requires the owner or operator of a CCR unit to accept and review on

an ongoing basis sufficiently detailed proposals to beneficially reuse any CCR that are not already subject to a removal contract. The bill requires that any entity conducting the closure work (i) identify options for utilizing local workers, (ii) consult with the Commonwealth's Chief Workforce Development Officer on opportunities to advance the Commonwealth's workforce goals, and (iii) give priority to the hiring of local workers.

The bill requires the CCR unit owner or operator to submit two biennial reports beginning October 1, 2022, and continuing until closure of all of its CCR units is complete. One report describes closure plans, progress, a detailed accounting of the amounts of CCR that have been beneficially reused and the amount of CCR that have been landfilled, the utilization of transportation options, water monitoring results, and other aspects of the closure process; the other report contains the beneficial reuse proposals that the owner or operator has received and its analysis of such proposals.

The measure provides that all costs associated with closure of a CCR unit shall be recoverable through a rate adjustment clause authorized by the State Corporation Commission (the Commission) provided that (i) when determining the reasonableness of such costs the Commission shall not consider closure in place of the CCR unit as an option and (ii) the annual revenue requirement recoverable through a rate adjustment clause shall not exceed \$225 million on a Virginia jurisdictional basis for the Commonwealth in any 12-month period, provided that any under-recovery amount of revenue requirements incurred in excess of \$225 million in a given 12-month period shall be deferred and recovered through the rate adjustment clause over up to three succeeding 12-month periods. The bill provides that costs may begin accruing on July 1, 2019, but no approved rate adjustment clause charges shall be included in customer bills until July 1, 2021; any such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier

of any such customer; and any such costs that are allocated to the utility's system customers outside of the Commonwealth that are not actually recovered from such customers shall be included for cost recovery from jurisdictional customers in the Commonwealth through the rate adjustment clause. The measure prohibits cost recovery for any fines or civil penalties resulting from violations of federal or state law. *(Patrons: Ingram and Wagner)*

HB 2792 / SB 1779 Electric utilities; municipal net energy metering.

Amends the Code of Virginia by adding a section numbered 56-585.1:8, relating to a pilot program for municipal net energy metering. Directs the State Corporation Commission to establish a pilot program that affords the opportunity for any locality to participate in net energy metering if it is a retail customer of a certain type of investor-owned electric utility. In order to qualify for the program, the locality is required to own and operate a renewable generating facility with a generating capacity of not more than two megawatts that is located on the municipality's premises and is intended primarily to offset all or part of the locality's own electricity requirements. Under the pilot program, a municipal customer-generator that generates electricity in amounts that exceed the amount of electricity consumed by the municipal customer-generator, determined annually, to credit one or more of the municipality's target metered accounts in order that the generation energy charges on the electric bills of the target's metered accounts are reduced by the amount of excess generation kilowatt hours apportioned to the metered account multiplied by the applicable generation energy rate of the target's accounts. In Appalachian Power's service territory, metered accounts of the public school division of a locality may be target accounts. The amount of generating capacity of all generating facilities that are the subject of a pilot program are limited to (i) five megawatts if Appalachian Power is the pilot program utility, though the utility may increase the amount

to up to 10 megawatts or (ii) 25 megawatts if Dominion Power is the pilot program utility. Such aggregated capacities of the generation facilities that are the subject of a pilot program constitute a portion of the existing limit of the utility's adjusted Virginia peak-load forecast of the previous year that is available to municipal customer-generators, eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the utility's service area. The duration of the pilot program is six years. *(Patrons: Tran and Ebbin)*

SB 1057 Industrial hemp; definition, exclusion from certain marijuana provisions.

Amends §§ 3.2-4112, 18.2-247, 54.1-3401, as it is currently effective and as it shall become effective, and 54.1-3446 of the Code of Virginia, to include in the definition of "industrial hemp" any compound, manufacture, salt, derivative, mixture, or preparation of the plant *Cannabis sativa*, its seeds, or its resin that contains a concentration of tetrahydrocannabinol that is no greater than that allowed by federal law. The bill excludes industrial hemp from various provisions related to marijuana, including from Schedule I of the Drug Control Act. *(Patron: Marsden)*

SB 1271 Oil and gas wells; bonding requirements, application notice.

Amends §§ 45.1-361.19 and 45.1-361.31 of the Code of Virginia and authorizes a person who applies for a hearing in front of the Virginia Gas and Oil Board to provide required notice of such application to certain gas or oil owners, coal owners, mineral owners, or gas storage field operators by commercial delivery service. Current law provides for delivery only by certified mail. The bill changes the blanket bond amounts that the Director of the Department of Mines, Minerals and Energy may require for an application for permits for gas or oil operations and authorizes additional bonds for any well proposed to be drilled in the Tidewater region. *(Patron: Stuart)*

SB 1367 Dogs running at large in packs; local ordinance, civil penalty.

Amends § 3.2-6538 of the Code of Virginia to require a locality that adopts an ordinance to prohibit the running at large of all or any category of dogs to exempt dogs used for hunting and requires such locality to include in such ordinance a civil penalty in an amount established by the locality not to exceed \$100 per dog for the owner or custodian of any dog found running at large in a pack. The bill requires that such civil penalties be deposited by the local treasurer in the dog and cat license fund, which is used to support animal control. *(Patron: Norment)*

SB 1388 Chesapeake Bay Watershed Implementation Plan; Lynnhaven River and Little Creek watersheds.

Repeals Chapter 41 of the Acts of Assembly of 2013 and Chapter 184 of the Acts of Assembly of 2015, relating to Chesapeake Bay Watershed Implementation Plan; Lynnhaven River and Little Creek watersheds. Repeals directions to state agencies to exclude the Lynnhaven River and Little Creek watersheds from the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan. *(Patron: Wagner)*

SB 1400 C-PACE loans; stormwater management, residential dwellings and condominiums.

Amends § 15.2-958.3 of the Code of Virginia and authorizes any locality, by ordinance, to authorize contracts to provide loans for the initial acquisition and installation of stormwater management improvements with free and willing property owners of both existing properties and new construction. Current law authorizes such contracts only for clean energy improvements. *(Patron: Petersen)*

SB 1427 Water and sewerage companies; cost allocation and rate design.

Amends the Code of Virginia by adding a section numbered 56-264.3 that requires the State Corporation Commission (SCC)

to consider certain factors in making determinations regarding water and sewerage company rate applications or proposals allocating the revenue requirement to classes of customers. The measure (i) excludes certain previously-addressed revenue allocations and (ii) requires that rate applications submitted to the SCC that would allocate the revenue requirement to more than one class of customers shall be supported by a class cost-of-service study. The measure applies to any water or sewerage company with fewer than 10,000 customer accounts.

(Patron: Obenshain)

SB 1599 Ground water withdrawal; Eastern Shore Groundwater Management Area, incentives for use.

Directs the State Water Control Board to adopt regulations providing incentives for the withdrawal of water from the surficial aquifer, rather than the deep aquifer, in the Eastern Shore Groundwater Management Area, as defined in the bill. Such incentives may include extended permit terms of as long as 20 years, an accelerated permit process, or discounted permit fees. *(Patron: Lewis)*

SB 1662 Electric utilities; energy efficiency programs.

Amends § 56-585.1 of the Code of Virginia and provides that any determination by the State Corporation Commission that an energy efficiency program is not in the public interest shall include with its final order the work product and analysis conducted by the staff of the Commission in making that determination. The measure provides that any utility petitioning the Commission for approval of one or more rate adjustment clauses for energy efficiency programs shall include a proposed budget for the design, implementation, and operation of the energy efficiency programs. The bill requires that any rate adjustment clause approved for an energy efficiency program remain in effect until the utility exhausts the approved budget for the energy efficiency program. *(Patron: Wagner)*

SB 1769 Electric utilities; net energy metering.

Amends §§ 56-585.1:3, 56-585.3, and 56-594 of the Code of Virginia and adds sections numbered 56-585.4 and 56-594.01, relating to electric utilities; net energy metering by electric cooperatives; community solar development.

Establishes requirements for net energy metering by electric cooperatives effective upon the earlier of July 1, 2019, or the effective date of implementing regulations by the State Corporation Commission. Instances where the new net energy metering program's requirements differ from those of the existing program include (i) the cap on the capacity of generating facilities, which will initially be two percent of system peak for residential customers, two percent of system peak for not-for-profit and non-jurisdictional customers, and one percent of system peak for other nonresidential customers; (ii) authorizing an electric cooperative to raise these caps up to a cumulative total of seven percent of its system peak; (iii) legalizing third-party partial requirements power purchase agreements for those retail customers and non-jurisdictional customers of an electric cooperative that are exempt from federal income taxation; and (iv) establishing registration requirements for third-party partial requirements power purchase agreements, including a self-certification system under which a provider is required to affirm certain information to Commission staff, under penalty of revocation of its registration. The measure authorizes the board of directors of an electric cooperative to adjust its rates, terms, conditions, and rate schedules governing net energy metering and prohibits a cooperative after the date of such an adjustment from collecting stand-by charges. The measure authorizes an electric cooperative to adopt a new rate schedule or rider containing demand charges based upon a net energy metering customer's noncoincident peak demand and provides for alternative caps on its net energy metering program. The measure authorizes a cooperative's fixed monthly charge covering the fixed costs of

owning and operating its electric distribution system as an alternative to volumetric charges associated with demand and to and to rebalance among any of the fixed monthly charge, distribution demand, and distribution energy charges. The measure authorizes an investor-owned utility participating in the pilot program for community solar development to move the Commission to make its pilot program permanent. The measure also requires Dominion Power to (a) convene a stakeholder process, using an independent facilitator, to make recommendations to the utility concerning issues related to the implementation of advanced metering technology and related investments in customer information systems; (b) submit to the Commission for approval retail rate schedules designed to offer time-varying pricing; and (c) submit to the Commission for approval an incentive program for the installation of solar equipment for customers served under time-varying retail rate schedules that have advanced-metering technology equipment. (*Patron: Sturtevant*)

FAILED LEGISLATION

HB 1635 Fossil fuel projects moratorium; clean energy mandates.

Establishes a moratorium, effective January 1, 2020, on approval by any state agency or political subdivision of any approval required for (i) electric generating facilities that generate fossil fuel energy through the combustion of a fossil fuel resource; (ii) import or export terminals for fossil fuel resources; (iii) certain maintenance activities relating to an import or export terminal for a fossil fuel resource; (iv) gathering lines or pipelines for the transport of any fossil fuel resource that requires the use of eminent domain on private property; (v) certain maintenance activities relating to such gathering lines or pipelines; (vi) refineries of a fossil fuel resource; and (vii) exploration for any type of fossil fuel, unless preempted by applicable federal law. The measure also requires that at least 80 percent of the electricity sold by a retail electric

supplier in calendar years 2028 through 2035 be generated from clean energy resources. In calendar year 2036 and every calendar year thereafter, all of the electricity sold by a retail electric supplier is required to be generated from clean energy resources. The clean energy mandates apply to a public utility or other person that sells not less than 1,000 megawatt hours of electric energy to retail customers or generates not less than 1,000 megawatt hours of electric energy for use by the person. *(Patron: Rasoul)*

HB 1683 Electric cooperatives; increase or decrease its rates without SCC approval, etc.

Authorizes any electric cooperative to (i) increase or decrease its rates without State Corporation Commission approval for any of its services, rather than only for distribution services, at any time if such adjustments will not effect a cumulative net increase or decrease in excess of 5 percent in such rates in any three year period; (ii) if it does not hold a membership interest in a utility aggregation cooperative and the facility that is the subject of the petition is either owned by the cooperative or has achieved commercial operation, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the costs of generation facilities, underground facilities to replace certain existing overhead distribution facilities, or certain pumped hydroelectricity generation and storage facilities; (iii) adjust the total system cap for net energy metering, agricultural net energy metering, and small agricultural generators to up to five percent of the cooperative's highest total coincident system peak within the past five years; and (iv) subject to findings that it will not result in either an intra-class or inter-class change in cost recovery, adopt any rate, rate component, program, tariff, or terms or conditions of service that the Commission has previously approved for any other cooperative. *(Patron: Ware)*

HB 1686 Electric utilities; limitations on fossil fuel facilities.

Prohibits the State Corporation Commission (SCC) from issuing on or after July 1, 2019, a certificate of public convenience and necessity or granting any other permit or approval required for the construction or operation by an electric utility of a new fossil fuel facility or for the expansion or continued operation of an existing fossil fuel facility before first approving the construction and placing in service of renewable energy generation facilities having in the aggregate a rated capacity of 5,500 megawatts. The measure also prohibits the SCC on or after July 1, 2019, from authorizing or permitting an electric utility or re-permitting an existing idle fossil fuel facility to increase purchases of electric power under any agreement with another person, if the electric power is or will be generated at a fossil fuel facility, before first approving the construction and placing in service of such renewable energy generation facilities. *(Patron: Reid)*

HB 1858/SB 999 Virginia Grocery Investment Program and Fund; created, report.

Creates the Virginia Grocery Investment Program and Fund to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects, defined in the bill, in underserved communities. *(Patrons: McQuinn and Stanley)*

HB 1894 Dog previously found dangerous; owner's failure to comply, disposition of dog.

Directs a court to consider other options for disposition of a dangerous dog after its owner is found to have willfully failed to comply with certain requirements regarding the registration and keeping of the dangerous dog. The bill directs a court, after it has determined the owner's failure to comply, to order the dog disposed of by adoption or euthanasia, but only after the court has found that none of the

following options for disposition of the dog is appropriate: (i) the allowance of as much as 30 days to comply with the law, an option existing under current law; (ii) the transfer of the dog to another owner; or (iii) the removal of the dog to another state not bordering Virginia, with a ban on its return. If a dog that has been ordered removed is later found in Virginia, the bill requires the court to order it euthanized immediately. The bill also provides that the new options be available to dangerous dogs that are subject on July 1, 2019, to euthanasia orders. *(Patron: Webert)*

HB 1869 / SB 1483 / SB 1714 Net energy metering; schools.

Directs Appalachian Power Company to conduct a pilot program, not exceeding 10 megawatts in the aggregate, under which any public school in the Commonwealth that generates more electricity from a wind-powered or solar-powered generation facility than it consumes in a billing period may either credit the excess electricity to the metered accounts of one or more other schools in the school division or be paid for the excess electricity at the contractually negotiated rate. *(Patrons: Hurst, Deeds and Edwards)*

HB 1879 Stormwater management facilities; private residential lots, disclosure.

Directs the State Water Control Board to adopt regulations requiring any local stormwater management authority that requires a residential landowner to maintain a stormwater management facility on his 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 a facility to disclose the specifications, requirements, and schedule of audits to a purchaser of the property. *(Patron: Convirs-Fowler)*

HB 1897 Equine activity liability; carriage rides.

Incorporates, for the purposes of determining equine activity liability, the act of riding in or driving a carriage or other equine-drawn vehicle into the definition of “equine activity” and adds a person who gives a carriage ride to the definition of “equine professional.” *(Patron: Ware)*

HB 1928 Renewable energy power purchase agreements; pilot programs.

Increases the aggregated capacity of all solar-powered or wind-powered generation facilities that are subject to third party power purchase agreements from 50 megawatts to 150 megawatts in Dominion Energy’s pilot program and from seven to 21 megawatts in Appalachian Power’s pilot program. The measure allows any public or private elementary or secondary school or any public or private institution of higher education to participate in Appalachian Power’s pilot program; currently only nonprofit, private institutions of higher education may do so. The measure increases the maximum generation capacity of an eligible solar-powered or wind-powered generation facility from one megawatt to three megawatts. The measure also requires the State Corporation Commission to update its guidelines for the pilot program and repeals the sunset clause applicable to the pilot program in effect for Dominion Energy. *(Patron: Bulova)*

HB 2023 Lawn care service providers; limit on use of fertilizer, civil penalty.

Authorizes a locality to, by ordinance, limit the amount and number of applications of fertilizer a lawn care service provider is permitted to apply in a given area in a 12-month period. A lawn care service provider that violates such ordinance shall be subject to a civil penalty, not to exceed \$50 for the first violation or violations arising from the same set of operative facts. The civil penalty

for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. *(Patron: Murphy)*

HB 2103 Stormwater management plans; erosion and sediment control plans, portion of project.

Directs the State Water Control Board to establish a procedure that allows an operator to submit stormwater management plans that are sufficient for a particular proposed land-disturbing activity without requiring such plans to cover any subsequent land-disturbing activity anticipated at the same location or an adjacent location. The bill also amends a provision of the law that is not yet effective, directing the establishment of the same procedure as it applies not only to stormwater management plans but also to erosion and sediment control plans. *(Patron: Freitas)*

HB 2117 Electric utilities; retail competition, renewable energy.

Allows customers of an investor-owned electric utility to purchase electric energy provided 100 percent from renewable energy from any licensed supplier. The measure eliminates the condition that permits such purchases only if the investor-owned electric utility does not offer a tariff for 100 percent renewable energy. With regard to customers of an electric cooperative, the measure does not change the existing provisions that allow (i) sales of renewable power by a competitive provider only if the utility does not offer an approved tariff for electric energy provided 100 percent from renewable energy and (ii) continued purchases of renewable energy under the terms of a power purchase agreement in effect when the incumbent utility files a tariff for 100 percent renewable energy. *(Patron: Mullin)*

HB 2146 Land development; conservation or replacement of trees, local option.

Authorizes any locality to adopt an ordinance providing for either the conservation of or the planting and replacement of trees during

the land development process. Currently, only a locality within Planning District 8 with a population density of 75 persons per square mile and which is classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act and Amendments of 1990, in effect as of July 1, 2008, may adopt such an ordinance for the conservation of trees and only a locality with a population density of 75 persons per square mile or within the Chesapeake Bay watershed may adopt such an ordinance for the planting and replacement of trees during the land development process. *(Chief patron: Turpin)*

HB 2243 Virginia Energy Efficiency Revolving Fund; created.

Creates the Virginia Energy Efficiency Revolving Fund to provide no-interest loans to any locality, school division, or public institution of higher education for energy conservation or efficiency projects. *(Patron: Sullivan)*

HB 2269 Regional transportation sector emissions programs; participation by Commonwealth.

Prohibits the Governor or any state agency from adopting any regulation establishing or bringing about the participation by the Commonwealth in the Transportation and Climate Initiative or any other regional transportation sector emissions program. The bill provides that the Commonwealth shall be allowed to participate in such a regional transportation sector emission program if the House of Delegates and the Senate of Virginia each adopt a resolution by two-thirds vote that specifically references and approves the regulatory text proposed for adoption by a state agency. *(Patron: Poindexter)* **VETOED**

HB 2294 Electric and natural gas utilities; energy efficiency goals.

Requires investor-owned electric utilities, cooperative electric utilities, and investor-owned natural gas distribution utilities to meet incremental annual energy efficiency goals.

Electric utilities are required to implement cost-effective energy efficiency measures to achieve the goal of two percent savings by 2034 and thereafter, with interim goals that start at 0.25 percent for 2020-2021 and increase in biennial increments of 0.25 percent until 2034. Gas utilities are required to achieve the goal of one percent savings by 2034 and thereafter, with interim goals that start at 0.125 percent for 2020-2021 and increase in biennial increments of 0.125 percent until 2034. The utilities are required to submit energy efficiency plans with the State Corporation Commission (SCC). The SCC (i) shall order changes to a plan submitted by a utility that does not demonstrate that the utility will achieve incremental annual energy efficiency goals; (ii) shall require utilities to commence compliance efforts with the incremental annual energy efficiency goals during calendar year 2020, though it may adjust the goal for 2020 if appropriate to address a partial year of implementation; (iii) may design performance incentives that reward utilities for exceeding efficiency goals; (iv) shall require utilities to report annually to the SCC on their efforts and progress in meeting the incremental annual energy efficiency goals; and (v) shall submit reports regarding compliance with the requirements of the incremental annual energy efficiency goals every five years.

HB 2295 Energy Efficiency Fund, Board, and Program; established, report.

Establishes the Energy Efficiency Fund (the Fund) with such funds as shall be appropriated and such other funds as it receives. Moneys in the Fund are to be used to finance cost-effective energy efficiency projects. The measure establishes the Energy Efficiency Board (the Board) to identify such projects and authorize the chairman to spend moneys in the Fund. The Board is directed to identify and provide funding for cost-effective energy efficiency projects that (i) give priority to funding cost-effective energy efficiency projects that will benefit low-income Virginians or assist multifamily projects and (ii) do not replace existing demand side management

programs and other energy efficiency initiatives conducted by a public utility. The measure requires the Board to contract with an organization to implement any of the cost-effective energy efficiency projects financed through the Fund. *(Patron: Sullivan)*

HB 2309 / SB 1569 Marine Resources Commission; grant of interest in subaqueous lands, etc.

Authorizes the Commonwealth, acting through the Marine Resources Commission, to grant to a political subdivision of the Commonwealth an easement over, or title to, certain beds of the waters of the Commonwealth. The bill requires that the political subdivision receiving such a grant be acting in the capacity of an official nonfederal sponsor, with the U.S. Army Corps of Engineers, of a federally authorized civil works project and that the grant be necessary to the carrying out of such project. The bill also prohibits any political subdivision that receives a grant of a right or interest as specified in the bill from conveying that right or interest except to the Commonwealth. The bill requires the Commissioner of Marine Resources to report annually to the General Assembly about the grants that have been made during the past year. *(Patron: Stolle and Lewis)*

HB 2310 Flood plain, local; regulation by localities.

Authorizes any locality to regulate the activity on, or use or development of, a flood plain in a manner consistent with any state and federal flood plain management programs and requirements. The bill provides that its provisions shall be given retroactive and prospective effect. *(Patron: Hayes)*

HB 2329 / SB 1456 Distributed renewable energy; promotes establishment of solar and other renewable energy.

Promotes the establishment of distributed renewable solar and other renewable energy. The bill (i) removes the one percent cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase

agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multi-family residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to two megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. *(Patrons: Keam and McClellan)*

HB 2333 Trees; replacement during development process, exceeding requirements to meet certain water goals.

Authorizes a locality to adopt an ordinance exceeding the minimum tree canopy requirements for tree preservation, planting, or replacement during the development process in order to assist in achieving certain specific water quality or water quantity goals identified in the ordinance. *(Patron: Keam)*

HB 2346 Industrial hemp; expands existing registration program.

Expands the existing industrial hemp registration program to include a person growing or processing industrial hemp for any purpose. The bill expands the existing definition of "hemp product," redefines "industrial hemp" to include any part of the plant *Cannabis sativa* L. with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis and excludes from the definition of marijuana

any industrial hemp as so defined. *(Patron: Freitas)*

HB 2364 Agritourism; amends definition relating to wedding venues.

Amends the definition of "agritourism activity," for purposes of liability as well as the statutory limit on the imposition of restrictions by local governments, to include service as a wedding venue for not more than 12 weddings per calendar year, each wedding involving not more than 250 guests. *(Patron: Knight)*

HB 2391 Landfills; waste disposal fee, deposits into the Greenhouse Gas Fund.

Requires any person owning or operating a permitted solid waste management facility to collect from each person disposing waste at such facility a fee of \$1 for every 500 pounds of waste, or fraction thereof in excess of 500 pounds, that is accepted. The bill allows the facility's owner or operator to retain 10 percent of the fees collected for administrative expenses and requires the facility's owner or operator to remit the remainder on a quarterly basis to the Department of Environmental Quality (the Department) for deposition in the Greenhouse Gas Fund (the Fund), created by the bill. The bill provides that the Director of the Department shall, after considering recommendations from the Solid Waste Management Board (the Board), expend moneys in the Fund on promoting the reduction in the emission of greenhouse gases in the Commonwealth, including methane and other gases that are emitted from landfills, and on supporting efforts to counter the effects of climate change. The bill provides that five percent of the Fund may be spent on administrative expenses and authorizes the Board to promulgate and enforce regulations necessary to carry out the provisions of the bill. *(Patron: Lopez)*

HB 2395 Hazardous Waste Site Inventory; DEQ to compile and update at least annually.

Requires the Department of Environmental Quality (the Department) to compile by July

1, 2020, to update at least annually thereafter, and to post to its website a Hazardous Waste Site Inventory (the Inventory). The Inventory shall be a current listing of sites permitted by or in corrective action under the Department at which the disposal of hazardous waste not otherwise excluded from regulation has occurred, providing specific information about each site. *(Patron: Lopez)*

HB 2495 Fall cankerworm; spraying prohibited during certain months.

Prohibits localities from spraying pesticides intended to suppress an infestation of the fall cankerworm during the period between March 1 and August 1. *(Patron: Tran)*

HB 2500 Electric utilities; mandatory renewable energy portfolio standard.

Replaces the existing voluntary renewable energy portfolio standard program with a mandatory renewable portfolio standard program that requires each investor-owned electric utility to generate or purchase, from facilities in the Commonwealth, increasing percentages of electric power that is generated from qualifying renewable sources. A utility that fails to comply with an RPS standard established for a year is required to pay a compliance fee of 10 cents for each kilowatt-hour by which it failed to meet the standard. *(Patron: Sullivan)*

HB 2505 Environmental Quality, Department of; stormwater regulations, Tennessee River Basin.

Directs the Department of Environmental Quality to adopt regulations to permit, regulate, and control stormwater runoff in the Tennessee River Basin that are no more stringent than those regulations already adopted for the regulation of stormwater runoff into other waters of the Commonwealth. *(Patron: O'Quinn)*

HB 2506 Chesapeake Bay Preservation Areas; filling low-lying areas.

Directs the State Water Control Board to adopt regulations allowing the owner of residential

property in a Chesapeake Bay Preservation Area to deposit appropriate fill material in certain low-lying areas within 50 landward feet of a resource protection area (RPA) located on the property. The bill establishes certain provisions that the regulations shall contain and provides that no filling that is carried out in compliance with such regulations shall (i) be considered a land-disturbing activity for purposes of stormwater management and erosion and sediment control, (ii) require a Virginia Water Protection Permit, or (iii) require a permit from the Virginia Marine Resources Commission. The bill also authorizes certain localities to adopt ordinances establishing a local permit process for projects that disturb less than one acre, and it requires projects that disturb one acre or more of land to follow general permit requirements established in statute. *(Patron: Hodges)*

HB 2611 Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth.

Prohibits the Governor or any state agency from adopting any regulation establishing a carbon dioxide cap-and-trade program or bringing about the participation by the Commonwealth in a regional market for the trading of carbon dioxide allowances. The bill provides that the Commonwealth shall be allowed to participate in such a cap-and-trade program if the House of Delegates and the Senate of Virginia each adopt a resolution by a two-thirds vote that specifically references and approves the regulatory text proposed for adoption by a state agency. *(Patron: Poindexter)*
VETOED

HB 2649 Industrial hemp; testing, destruction.

Requires a registered grower or processor of industrial hemp, if so required by the Commissioner of Agriculture and Consumer Services, to destroy any Cannabis sativa that has been tested and is found to have a concentration of delta-9-tetrahydrocannabinol that is greater than 0.6 percent. Current law requires destruction when Cannabis

sativa is found to have a concentration of tetrahydrocannabinol that is greater than that allowed by federal law. (*Patron: Pogge*)

HB 2735 Virginia Coastal Protection Act; recasts Va. Shoreline Resiliency Fund.

Recasts the Virginia Shoreline Resiliency Fund as the Virginia Coastal Protection Fund. Moneys generated by the sale of carbon dioxide emissions allowances through any auction program administered by the Commonwealth are directed to the Fund, which is to be used to implement hazard mitigation projects in areas that are subject to recurrent flooding. (*Patron: Toscano*)

HB 2755 Conservation easements; comprehensive plan.

Requires that the use of real property for open-space land shall conform to the official comprehensive plan for the area in which the property is located. Current law provides that no conservation easement shall be valid and enforceable unless the limitations it creates conform in all respects to the comprehensive plan at the time the easement is granted. (*Patron: Fariss*)

SB 83 Renewable energy; third-party power purchase agreements

Replaces the pilot program initially enacted in 2013 that authorized certain third-party power purchase agreements providing financing of certain renewable generation facilities. The measure requires the State Corporation Commission to establish third-party power purchase agreement programs for each electric utility. The programs authorized by this measure apply to all electric utilities and do not set limits on the size of facilities. The measure also exempts sellers under third-party power purchase agreements from being defined as a public utility, public service corporation, public service company, or electric utility solely because of the sale of electricity or ownership or operation of a renewable generation facility. (*Patron: Edwards*)

SB 193 Plastic shopping bags, disposable; local option to distribute to consumers

Allows any locality by ordinance to prohibit the distribution, sale, or offer for sale of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or newspapers; and garbage bags that are sold in multiples. (*Patron: Locke*)

SB 311 Community solar gardens; SCC to establish standards for operation

Requires the State Corporation Commission to establish standards for the operation of community solar gardens. A community solar garden is defined in the bill as a solar energy system that (i) has a nameplate capacity of not more than 20 megawatts, (ii) is owned or operated by a subscriber organization, and (iii) generates electricity for subscribers of the community solar garden. The regulations are required, among other things, to (a) establish goals for the generation of electricity by community solar gardens; (b) establish eligibility requirements for subscriber organizations, including a requirement that a subscriber organization have at least 10 subscribers; (c) prohibit a subscriber organization from allowing a subscriber to have a subscription that exceeds 40 percent of a proportional interest in a community solar garden owned or operated by the subscriber organization; (d) prohibit a subscriber organization from allowing subscriptions to a community solar garden that are more than 25 kilowatts to account for more than 40 percent of the total generating capacity of the community solar garden; and (e) require that at least 10 percent of the total generating capacity of community solar gardens be available for use by low-income residential customers or by persons providing services that benefit low-income customers. A subscriber is entitled to a credit on the subscriber's monthly utility bill for the proportional output of the community solar garden attributable to that subscriber for the preceding month; the credit is required to

be provided for 25 years. The measure requires utilities to purchase unsubscribed electricity generated by a community solar garden within the service area of the utility. *(Patron: Edwards)*

SB 1058 Companion animals; care, local ordinances.

Authorizes any locality to adopt an ordinance that parallels and makes more stringent the state law regarding the care of companion animals. *(Patron: Favola)*

SB 1208 Water impounding structures; portable pumping systems.

Directs the Soil and Water Conservation Board to promulgate regulations that allow for the use of a portable pumping system when retrofitting an existing impoundment structure with a draining device. **Stricken at request of patron.** *(Patron: Stuart)*

SB 1212 Water improvement districts; assessment of service charge, referendum.

Removes provisions authorizing a water improvement district to levy a tax on owners of land within the district. The bill removes the requirement that owners of land approving a referendum regarding assessment of a service charge also represent two-thirds of the land area in such district. The bill contains an emergency clause. *Stricken at request of patron.* *(Patron: Newman)*

SB 1260 Conservation areas; allows a planning commission to designate.

Allows a planning commission to designate an area as a conservation area. Current law only allows a redevelopment and housing authority to make such designation. *Stricken at request of patron.* *(Patron: Sturtevant)*

SB 1328 Stormwater Local Assistance Fund; grants to non-MS4 localities.

Authorizes the Department of Environmental Quality (the Department), with the approval of the Secretary of Natural Resources, to designate a portion of the moneys appropriated to the Stormwater Local Assistance Fund for

fiscal year 2020 and any subsequent fiscal year, in an amount no greater than 20 percent of the appropriated amount, to provide matching grants to local governments that are not regulated under municipal separate storm sewer system (MS4) permits for the planning, design, and implementation of stormwater best management practices. The bill directs the Department to prioritize grants for projects that are regional in scope. The bill requires any designated moneys remaining after the Department has completed its annual solicitation of grant applications and made related authorization decisions for projects proposed by non-MS4 localities to be available for authorization by the Department to additional projects of MS4 localities. The bill directs the Department to seek stakeholder input and public comment in developing eligibility criteria and to submit such criteria by January 1, 2020, for consideration by the State Water Control Board. *(Patron: Hanger)*

SB 1573 Offshore oil and gas drilling; prohibition.

Prohibits the Marine Resources Commission or the Department of Mines, Minerals and Energy from granting any lease or permit for oil or gas exploration or drilling, or the construction of oil or gas infrastructure, in the beds of any waters of the Commonwealth. Current law authorizes the granting of oil and gas leases on such state-owned bottomlands, which generally are those subaqueous lands lying within three miles of the shore. The bill also repeals a section of the Code of Virginia stating the Commonwealth's support for federal efforts to explore for natural gas more than 50 miles off shore. *(Patron: DeSteph)*

SB 1666 Va. Coastal Protection Act; recasts Va. Shoreline Resiliency Fund.

Recasts the Virginia Shoreline Resiliency Fund as the Virginia Coastal Protection Fund. Moneys generated by the sale of carbon dioxide emissions allowances through any auction program administered by the Commonwealth are directed to the Fund. *(Patron: Lewis)*

SB 1745 DEQ permits; technical assistance grants.

Creates the Permitting Technical Assistance Fund (the Fund) for the purpose of issuing grants to qualified groups to obtain technical assistance in (i) interpreting information with regard to permits, permit actions, or activities conducted at permit sites; (ii) identifying new or alternative permit provisions or conditions; or (iii) formulating, revising, or submitting written or oral comments during a public comment period. The bill authorizes the Director of the Department of Environmental Quality to issue grants from the Fund to qualified groups not exceeding \$15,000 for any group for any single permit action and directs the Department of Environmental Quality (the Department) to include with any fees for a permit issued by the Department, State Air Pollution Control Board, State Water Control Board, or Virginia Waste Management Board, a fee to cover the full cost of administering and issuing grants from the Fund. The bill directs the Department to develop regulations to carry out its provisions. (*Patron: Boysko*)

Finance

PASSED LEGISLATION

Assessments

HB 2365 Land preservation; special assessment, optional limit on annual increase in assessed value.

Amends § 58.1-3231 of the Code of Virginia to authorize localities that require use value assessment and taxation to provide by ordinance that the annual increase in the assessed value of eligible property shall not exceed a specified dollar amount per acre. *(Patron: Knight)*

HJ 687 Tax assessments; Small Business Com. to study procedures for appealing decisions.

Directs the Small Business Commission to study models and streamlined procedures for appealing tax assessment decisions. In conducting its study, the Small Business Commission shall (i) seek input from local government representatives, property ownership and management associations, the judicial branch, and state and local tax administrators; (ii) evaluate the tax court systems of other states; and (iii) evaluate other options and models for streamlining appeals of a local board of equalization or similar local body, including options and models provided by research organizations. The Small Business Commission shall complete its meetings by November 30, 2019, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2020 Regular Session of the General Assembly. *(Patron: Keam)*

Taxation

HB 1655/SB 1270 Real property tax; exemption for disabled veterans, surviving spouse's ability to move.

Amends §§ 58.1-3219.5, 58.1-3219.9, and 58.1-3219.14 of the Code of Virginia to enact as statutory law an amendment to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia that was adopted by the voters on November 6, 2018, which applies the real property tax exemption for the surviving spouse of a disabled veteran to such spouse's principal place of residence regardless of whether such spouse moves to a different residence. The provisions of the bill would apply to taxable years beginning on and after January 1, 2019. The bill makes technical corrections related to the real property tax exemptions for surviving spouses of members of the armed forces killed in action and surviving spouses of certain persons killed in the line of duty. *(Patrons: Miyares and Stuart)*

HB 1679 All-terrain vehicles (ATVs), mopeds, and off-road motorcycles; clarifies taxation on vehicles, etc.

Amends §§ 58.1-2402, 58.1-2403, and 58.1-2425 to clarify the taxation of all-terrain vehicles, mopeds, and off-road motorcycles and provide that vehicles that qualify as farm equipment that is exempt from sales and use tax shall be exempt from the motor vehicle sales and use tax. The bill has amendments related to the collection of the additional state sales and use tax within the Historic Triangle. *(Patron: Orrock)*

HB 1722 / SB 1083 Remote sales & use tax collection; sufficient activity by dealers & marketplace facilitators, etc.

Amends §§ 58.1-601 and 58.1-602, 58.1-604, and several other Code sections, adds § 58.1-612.1, and amends and repeals several enactment clauses of previous Acts of Assembly

to direct the Department of Taxation to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia, and to require a marketplace facilitator that enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill does not apply to transactions occurring before July 1, 2019. The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. *(Patrons: Bloxom and Ruff)*

HB 1937 Real property tax; exemptions for elderly and handicapped, computation of income limitation.

Amends § 58.1-3212 of the Code of Virginia to provide that, if a locality has established a real estate tax exemption for the elderly and handicapped and enacted an income limitation related to the exemption, the locality may exclude, for purposes of the limitation, any disability income received by a family member or nonrelative who lives in the dwelling and who is permanently and totally disabled. *(Patron: Krizek)*

HB 1950 Retail Sales and Use Tax; exemption, nonprofits, limited liability companies.

Amends § 58.1-609.11 of the Code of Virginia to provide that, for purposes of the retail sales and use tax exemption for nonprofit organizations, the exemption is available to a single member limited liability company whose sole member is a nonprofit organization. *(Patron: Webert)*

HB 1974 Motor vehicle rental tax; filing returns.

Amends § 58.1-1738 of the Code of Virginia to remove the requirement that the rentor of

a motor vehicle file a monthly motor vehicle rental tax return with the Tax Commissioner even though the dealer is not liable to remit any tax for the period covered by the return. *(Patron: Bell, Robert B.)*

HB 2150 / SB 1196 Real property tax; exemption for the elderly and disabled, improvements to a dwelling.

Amends § 58.1-3210 of the Code of Virginia to provide that, for purposes of the real property tax exemption for the elderly and disabled, certain improvements to exempt land and the land such improvements are situated on shall be included as part of the dwelling and exempt from tax. *(Patrons: Ingram and Dance)*

HB 2440 Intangible personal property; classification and exemption of certain business property.

Amends §§ 58.1-1101 and 58.1-1103 of the Code of Virginia to classify as intangible property, and exempt from taxation, personal property that is employed in a trade or business, has an original cost of less than \$25, and is not classified as machinery and tools, merchants' capital, or short-term rental property. *(Patron: Campbell, R.R.)*

HB 2482 Land preservation tax credits; operation of facility on donated land, third party agreements.

Amends § 58.1-512 of the Code of Virginia to provide that if Virginia or one of its political subdivisions operates a facility on land donated for a land preservation tax credit, including charging fees for the use of such facility, such operation of a facility shall not disqualify the donation from eligibility for the credit, so long as any fees are used for conservation or preservation purposes. The bill provides that if Virginia or one of its political subdivisions contracts with a third party to manage a facility on donated land, such agreement shall not disqualify the donation from eligibility for the credit, so long as such agreement is for conservation or preservation purposes. *(Patron: Hodges)*

HB 2529 / SB 1372 Income tax, state; conformity of taxation system with the IRC.

Amends §§ 58.1-301, 58.1-322.03, and 58.1-402 of the Code of Virginia, to advance conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, effective starting in taxable year 2018, with the exception of the provisions of the federal Tax Cuts and Jobs Act (TCJA) that limit the deduction for state and local taxes and that suspend the overall limit on itemized deductions. The bill establishes income tax subtractions starting in taxable year 2018 for Global Intangible Low-Taxed Income (GILTI) and for one-fifth of the amount of business interest that is disallowed as a deduction from federal income tax.

The bill increases the standard deduction to \$4,500 for single individuals and \$9,000 for married persons filing jointly for taxable years 2019 through 2025. The bill provides for a refund, not to exceed a taxpayer's tax liability of up to \$110 for individuals and \$220 for married persons filing a joint return. The refund will be issued in October 2019 and will be available only for a taxpayer filing a final return by July 2019. The refunds will be reduced and prorated if the additional revenues generated by the TCJA are insufficient to fully fund the refunds.

The bill establishes the Taxpayer Relief Fund (the Fund). For fiscal years 2019 through 2025, any additional revenues attributable to the TCJA, beyond those necessary to fund the provisions of the bill, would accrue to the Fund. The bill directs the General Assembly to appropriate money from the Fund to enact permanent or temporary tax reform measures. The bill contains an emergency clause. *(Patrons: Hugo and Norment)*

HB 2540 Sales and Use Tax; reduced rate on essential personal hygiene products.

Amends §§ 58.1-603.1, 58.1-603.2, 58.1-604.01, and 58.1-611.1 of the Code of Virginia to apply the reduced state sales and use tax rate of 1.5%, which under current law applies only to food purchased for human consumption, to

essential personal hygiene products, defined in the bill as (i) nondurable incontinence products such as diapers, disposable undergarments, pads, and bed sheets; and (ii) menstrual cups and pads, pantyliners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow. The bill has a delayed effective date of January 1, 2020. *(Patron: Byron)*

HB 2555 / SB 1165 Gas severance tax, local; extends sunset provision.

Amends § 58.1-3713 of the Code of Virginia to extend the sunset date from January 1, 2020, to January 1, 2022, for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. *(Patrons: Pillion and Chafin)*

HB 2705 Historic rehabilitation; limit on tax credit that may be claimed.

Amends § 58.1-339.2 of the Code of Virginia to provide that the \$5 million per year limit on the amount of historic rehabilitation tax credit that may be claimed by each taxpayer, which currently expires on January 1, 2019, shall apply to all future taxable years. *(Patron: Bloxom)*

HB 2733 Personal property tax; exemption for agricultural vehicles.

Amends § 58.1-3505 of the Code of Virginia to provide that, for purposes of the optional local personal property tax exemptions for motor vehicles, trucks, and tractors, the exemption shall apply if the vehicle is used primarily for agricultural purposes. Under current law, the exemption applies only if the vehicle is used exclusively for agricultural purposes. The bill also provides that, for purposes of the optional local personal property tax exemption for farm vehicles, such exemption shall apply to equipment used by a nursery for the production of horticultural products and to any farm tractor. *(Patron: Webert)*

HB 2776 / SB 1428 Income tax, state; modification for certain companies, grants, Page County.

Amends §§ 15.2-958.2:01 and 58.1-405.1 of the Code of Virginia to add Page County to the list of qualified localities in which a company may invest to become eligible for income tax modification. Under current law, a company is eligible for such modification if, among other things, it either (i) invests at least \$5 million in new capital investment in a qualified locality and creates at least 10 jobs paying at least 150 percent of the minimum wage in a qualified locality or (ii) creates at least 50 jobs paying at least 150 percent of the minimum wage in a qualified locality. (*Patrons: Gilbert and Obenshain*)

HB 2811 Tax-exempt pollution control facilities; adds Va. Dept. of Health as a certifying authority.

Amends § 58.1-3660 of the Code of Virginia to add to the duties of the Virginia Department of Health the duty of serving as a state certifying authority in determining conformity with state requirements for certain tax-exempt water pollution control projects. Under current law, the State Water Control Board is the only state certifying authority for water pollution projects. The bill contains an emergency clause. (*Patron: Webert*)

SB 1371 Cigarette taxes; definitions of noncombustible tobacco products.

Amends §§ 58.1-1000 and 58.1-1021.01 of the Code of Virginia and Item 3-5.17 of Chapter 2 of the Acts of Assembly, Special Session I, of 2018, to define, for purposes of cigarette taxes, alternative nicotine product, heated tobacco product, liquid nicotine, and nicotine vapor product. The bill also provides that the definition of cigarette includes only nicotine-containing products that produce smoke from combustion. The bill extends from November 2018 to November 2019 the conclusion of a study by the Joint Subcommittee to Evaluate Tax Preferences of options for the modernization of cigarette taxes and possible

reforms to the taxation of tobacco products that will provide fairness and equity for all local governments. (*Patron: Norment*)

SB 1425 License tax, local; mobile food units.

Adds § 58.1-3715.1 to the Code of Virginia to provide that when the owner of a mobile food unit, defined as a restaurant mounted on wheels and readily moveable at any time during its operation, pays a license tax in the locality in which the mobile food unit is registered, no other license shall be required in any other locality in the Commonwealth. The exemption from paying the license tax in other localities will expire two years after the payment of the initial license tax in the locality in which the mobile food unit is registered. During the two-year exemption period, the owner may exempt up to three mobile food units from license taxation in other localities. Regardless of any license tax exemption, the owner must register with the commissioner of the revenue or director of finance in any locality in which he conducts business. (*Patron: Dunnavant*)

SB 1588 Real property taxes; partial exemption for flood mitigation efforts.

Adds § 58.1-3228.1 to the Code of Virginia to codify an amendment to Article X, Section 6 of the Constitution of Virginia that was adopted by the voters on November 6, 2018, which enables a locality to provide by ordinance a partial exemption from real property taxes for flooding abatement, mitigation, or resiliency efforts for improved real estate that is subject to recurrent flooding. The bill provides that exemptions may only be granted for qualifying flood improvements. Qualifying flood improvements are defined in the bill as improvements that do not increase the size of any impervious area and are made to qualifying structures or to land, as specified in the bill. No exemption shall be granted for any improvements made prior to July 1, 2018. The locality is granted the authority to (i) establish flood protection standards that qualifying

flood improvements must meet in order to be eligible for the exemption; (ii) determine the amount of the exemption; (iii) set income or property value limitations on eligibility; (iv) provide that the exemption shall only last for a certain number of years; (v) determine, based upon flood risk, areas of the locality where the exemption may be claimed; and (vi) establish preferred actions for qualifying for the exemption, including living shorelines. *(Patron: Lewis)*

SB 1610 Recordation tax; exemption for property transferred by deed of distribution.

Amends § 58.1-811 to provide that no recordation tax shall be required for the recordation of a deed of distribution, which is defined in the bill, when no consideration has passed between the parties. The bill also provides that a deed of distribution must state on its front page that it is a deed of distribution. *(Patron: McDougle)*

SB 1615 Retail Sales and Use Tax; absorption of tax by a dealer.

Adds § 58.1-626 and repeals § 58.1-626 to authorize a dealer to absorb all or a portion of the sales and use tax due on an item, so long as the dealer separately states the full amount of the tax due at the point of the sale or transaction and remits the full amount due to the Department of Taxation with the return covering the period in which the sale or transaction took place. *(Patron: McDougle)*

Compensation and Retirement

HB 2055 DHRM; review of employee recruitment, retention, and compensation, report.

Amends § 2.2-1202 of the Code of Virginia to require the Director of the Department of Human Resource Management to perform an annual review of recruitment and retention trends and certain statuses related to classified job roles across state agencies. The bill also provides for the Director to biennially, on or before September 1 of each odd-numbered

year, submit a report to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance on (i) the classified job roles that should receive higher salary increases based on identified recruitment and retention challenges, (ii) the appropriate amount by which the salary of such classified job roles should be increased, and (iii) cost estimates for funding any salary increases. *(Patron: Carr)*

Constitutional Amendments

HJ 676 / SJ 278 Constitutional amendment; personal property tax exemption for motor vehicle of a disabled veteran.

Proposes an amendment to Section 6 of Article X of the Constitution of Virginia to permit the General Assembly to provide that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from state and local taxes. The amendment provides that only automobiles and pickup trucks qualify for the exemption. Additionally, the exemption is only applicable on the date the motor vehicle is acquired or the effective date of the amendment, whichever is later, and is not applicable for any period of time prior to the effective date of the amendment. *(Patrons: Filler-Corn and Reeves)*

Other

HB 1731 Treasurers, local; recordkeeping.

Amends § 58.1-3131 of the Code of Virginia to replace the term “well-bound book” with “record” relating to local treasurers’ required method of recordkeeping and clarifies that warrants include all forms of legal demand instruments. *(Patron: Brewer)*

HB 2354 Revenue Stabilization Fund and Revenue Reserve Fund; maximum amounts.

Amends §§ 2.2-1829 and 2.2-1831.3 of the Code of Virginia to provide that the combined funds in the Revenue Stabilization Fund and Revenue Reserve Fund shall not exceed

15 percent of average income and sales tax revenues for the past three years. Under current law, the amount in the Revenue Stabilization Fund shall not exceed 15 percent of average income and sales tax revenues for the past three years, and the amount in the Revenue Reserve Fund shall not exceed two percent of general fund revenues for the prior year. (*Patron: Jones, S. C.*)

HB 2768 Clerks of court; disclosure of tax information.

Amends § 58.1-3 of the Code of Virginia to broaden an exemption that allows beneficiaries and heirs to obtain confidential information about an estate from a clerk of court so that it also includes the commissioner of accounts making a settlement of accounts filed in such estate. (*Patron: Campbell, R.R.*)

SB 1301 Private collectors; delinquent taxes and other charges.

Amends § 58.1-3919.1 of the Code of Virginia to allow a local treasurer to employ private collections agents to assist with the collection of delinquent amounts due other than delinquent local taxes. Current law allows only for the collection of delinquent taxes by private collections agents. (*Patron: Edwards*)

FAILED LEGISLATION

HB 1669 Disposable paper and plastic bags; local taxation per bag when provided to consumers.

Authorizes any locality to impose a tax of five cents per bag on disposable paper bags or disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. Revenues from the local tax would be collected by the Tax Commissioner and distributed monthly to the locality imposing the tax to be used by such locality for the mitigation of pollution and litter. The bill also allows every retailer that collects the tax to retain one cent of the five-cent tax. (*Patron: Carr*) **SB 1070 (Ebbin)** is similar.

HB 1694 Virginia Retirement System; E-911 dispatchers.

Adds E-911 dispatchers to the list of local employees eligible to receive enhanced retirement benefits similar to those provided to State Police officers. Provides that such benefits would be available only to dispatchers hired starting in 2020. (*Patron: Reid*)

HB 1778 Transient occupancy tax; taxes on room rentals, etc., in state parks.

Permits localities to impose transient occupancy taxes on transient room rentals and travel campgrounds in state parks. (*Patron: Bloxom*)

HB 1857 Health insurance; credits for retired school division employees.

Requires school divisions to provide a health insurance credit of \$4 per year of service to all retired members of local school divisions with at least 15 years of total creditable service. Currently, the \$4 per year of service health insurance credit is provided only to teachers, and non-teacher school division employees are eligible for a credit of \$1.50 per year of service, capped at \$45 per month, if the locality has elected such coverage. Eligible employees who retired prior to July 1, 2019, but who did not receive a health insurance credit prior to that date will only receive the \$4 per year of service health insurance credit prospectively. (*Patron: McQuinn*)

HB 1946 Cigarette tax, local; authority of certain counties, use of proceeds for school construction.

Authorizes any county to impose a local cigarette tax, provided it uses the revenues to fund the construction or improvement of local elementary or secondary schools. (*Patron: Campbell, J.L.*)

HB 1948 Local salt severance license taxes; authorizes any county or city to levy.

Authorizes any county or city to levy a license tax on every person engaging in the business of severing salt from the earth at a rate of up to one percent of the fair market value of salt

severed within such county or city. All taxes levied pursuant to this section would be paid to the locality in which the salt is severed. The bill provides requirements for the levying of such tax. *(Patron: Campbell, J.L.)*

HB 2084 Counties, certain; additional powers that include taxation, etc.

Grants counties with a population greater than 100,000 certain powers of cities and towns, including taxation, borrowing, and eligibility for highway maintenance funds. Currently, such powers are generally granted only to cities and towns. *(Patron: Watts)*

HB 2095 Local prohibition on single use plastic and expanded polystyrene products; local tax.

Authorizes a locality to prohibit by ordinance the purchase, sale, or provision of certain single use products that are not recyclable or compostable and for which there is a suitable and cost-effective compostable or recyclable alternative product available, with certain exceptions. The bill also authorizes any county or city to impose a five-cent per bag tax on disposable plastic bags provided to customers by certain retailers, with certain bags being exempt from the tax. The bill directs revenue from the local tax to be used by the county or city imposing the tax for litter control and stormwater management. The bill allows every retailer that collects the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner. *(Patron: Guzman)*

HB 2189 / SB 1127 Local government; taxing authority.

Equalizes municipal taxing authority and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. The bill has a delayed effective date of July 1, 2020, prior to which the Joint Subcommittee on Local Government Fiscal Stress shall review the bill and develop recommended legislation to make any other amendments necessary to the Code of Virginia to effectuate its provisions. *(Patrons: Kilgore and Favola)*

HB 2481 Virginia Retirement System; authorizes localities to opt out of group insurance program.

Authorizes a locality that participates in the Virginia Retirement System to opt out of the group insurance program and instead establish, either by self-funding or purchasing insurance, local life insurance coverage or accidental death and dismemberment insurance. Under current law, if a locality participates in the group insurance program, it is prohibited from withdrawing. *(Patron: McNamara)*

HB 2566 Real and personal property tax; repeals tax exemption for all nonprofit entities.

Repeals the property tax exemptions for all nonprofit entities that were granted by the General Assembly by designation effective July 1, 2024. Any locality may grant property tax exemptions to any such organizations to become effective on or after that date. *(Patron: LaRock)*

HB 2587 Confidentiality of tax information; local tax officers sharing information with local officers.

Authorizes a locality's commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes to share confidential tax information with such locality's financial officer and chief administrative officer, provided that such officer enters into a written nondisclosure agreement. Under current law, such information is prohibited from being shared between such officials unless some other exemption applies. *(Patron: Roem)* **SB 1623** (McPike) is similar, but limited to localities for which the Auditor of Public Accounts has made a preliminary determination of fiscal distress.

HB 2614 Taxes administered by the Department of Taxation; statute of limitations for collections.

Provides that the seven-year statute of limitations for collection efforts by the Department of Taxation shall apply to all assessments except under certain

circumstances. Under current law, such statute of limitations applies only to assessments made on and after July 1, 2016. *(Patron: Bloxom)*

HB 2640 Machinery and tools tax; definition of original total capitalized cost.

Provides that, for purposes of the machinery and tools tax, “original total capitalized cost,” which is used to calculate assessed value, means the property’s cost when acquired by the current owner plus any amount incurred to extend its useful life. If the property was not acquired in an arm’s-length transaction, the prior owner’s original total capitalized cost is used. Acquisitions are presumed to be arm’s-length unless the current owner bought the property from an affiliate. *(Patron: Byron)*

HB 2715 / SB 1514 Tax; responsibility for collection and satisfaction of all fines, costs.

Transfers from the attorney for the Commonwealth to the Department of Taxation the duty to cause proper proceedings to be instituted for the collection and satisfaction of all fines, costs, forfeitures, penalties, and restitution. *(Patrons: Rush and Carrico)*

HB 2810 Real property; tax exemption for certified pollution control equipment and facilities.

Advances the sunset date of the real property tax exemption for solar photovoltaic (electric energy) projects greater than 20 megawatts from 2024 to 2020. *(Patron: Wright)*

HJ 657 Constitutional amendment; real property tax exemption, surviving spouse of a disabled veteran.

Proposes an amendment to Section 6-A of Article X of the Constitution of Virginia to provide that, as of January 1, 2021, the real property tax exemption for the surviving spouse of a 100 percent disabled veteran shall apply regardless of whether the disabled veteran died prior to January 1, 2011. Under the current constitutional real property tax

exemption, if a veteran received a 100 percent disability rating and died prior to January 1, 2011, his surviving spouse is not eligible for the exemption. *(Patron: Pogge)*

SB 1040 Jails, local; compensation for cost of incarceration of convicted felons.

Provides for local jails to be compensated for the actual cost of incarcerating convicted felons at the rate calculated in the Compensation Board’s annual jail cost report. Current law provides for jails to be compensated for the cost of incarceration of convicted felons as provided for in the general appropriation act. *(Patron: Peake)*

SB 1116 Plastic bags; tax in the Chesapeake Bay Watershed.

Imposes a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan. The bill also allows every retailer that collects the tax to retain one cent of the five-cent tax. *(Patron: Petersen)*

SB 1512 Cigarette tax; counties authorized to hold referendum.

Authorizes the board of supervisors of any county to levy a tax on the sale or use of cigarettes if approved in a referendum. If approved, the tax shall not exceed five cents (\$0.05) or the amount levied under state law, whichever is greater. *(Patron: Carrico)*

SB 1606 Vapor products; creates state tax.

Creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorize cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate of 40 percent of the wholesale price. The bill provides that 90 percent of the tax revenue generated by the state tax would be used to

fund the state's share of Standards of Quality Costs related to increasing the ratio of school counselors to students. The bill provides that 10 percent of the tax revenue generated by the state tax would be used to fund the Virginia Department of Health's costs to provide smoking cessation efforts. Counties, cities, and towns that are currently authorized to tax cigarettes would be authorized to also tax vapor products. *(Patron: Ebbin)*

SB 1633 Local government revenues and expenditures; comparative report, filing date.

Changes the annual deadline for local submittal of the comparative report of local government revenues and expenditures to the Auditor of Public Accounts from November 30 to December 15 and the annual deadline for the statement of the Auditor of Public Accounts showing in detail the total and per capita revenues and expenditures of all localities for the preceding fiscal year from January 31 to February 15. *(Patron: Boysko)*

General Government

PASSED LEGISLATION

Administration of Government

HB 1866 Annual local audit; notice of delay.

Amends § 15.2-2511 of the Code of Virginia to require that localities submit their annual local audit to the Auditor of Public Accounts. If the audit is not completed as required, the locality shall post a statement on its website declaring that the required audit is pending, the reasons for the delay, and the estimated date of completion. Such statement shall also be posted and made available to the public at the next scheduled meeting of the local governing body and also be sent to the Auditor of Public Accounts. The statement shall be posted and updated until the audit is complete (*Patron: Peace*)

HB 2239 Court buildings; ownership, location and jurisdiction.

Amends §§ 15.2-1638, 16.1-69.35, 16.1-77, and 16.1-123.1 of the Code of Virginia and adds § 16.1-69.35:01 to allow courthouses to be located on property owned jointly by a county and city. Other changes allow Albemarle County to locate its general district courts immediately across the street from the county courthouse and clarifies certain jurisdictional issues in cases where a county general district court is established in a city. (*Patron: Bell, Robert B.*)

HB 2305 Localities; descriptions are replaced with locality names.

Amends several sections in Title 15.2 that are currently carried by reference only. Locality descriptions are replaced with locality names, and various technical amendments are made. (*Patron: Leftwich*)

HB 2634/SB 1110 Alcoholic beverage control; local referendums.

Amends §§ 4.1-100, 4.1-119, 4.1-121, 4.1-122, 4.1-124, and 4.1-221.1 of the Code of Virginia and repeals § 4.1-126 of the Code of Virginia to allow the sale of mixed beverages by licensed restaurants and the sale of alcoholic beverages by the Board of Directors of the Virginia Alcoholic Beverage Control Authority in any county, town, or supervisor's election district unless a referendum is held and a majority of the voters voting in such referendum vote to prohibit such sales. Under current law, such sales are prohibited unless they have been approved through the referendum process. Includes a grandfathering provision that allows the granting of a mixed beverage license to any establishment described in § 4.1-126, as it was in effect prior to the effective date of this bill, notwithstanding the provisions of the bill related to local referendums but subject to other applicable laws and regulations. The bill has a delayed effective date of July 1, 2020, but allows localities to hold anticipatory referendums between July 1, 2019, and June 30, 2020, and provides that the results of such referendums shall become valid and enforceable on July 1, 2020. Provides that the result of any referendum held prior to July 1, 2019, shall remain valid and enforceable for a period of five years. (*Patrons: Hurst and Reeves*)

SB 1171 Alcoholic beverage control; creates local special events license.

Amends §§ 4.1-206, 4.1-231, 4.1-233, and 4.1-308 of the Code of Virginia to create a local special events license, which allows a locality, business improvement district, or nonprofit organization to permit the consumption of alcoholic beverages within the area designated by the Board of Directors of the Virginia Alcoholic Beverage Control Authority for a special event, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee located within such designated area and are contained in disposable containers that clearly display the selling licensee's name or logo. The bill limits

local special events licensees to 12 events per year and provides that the area designated for the special event may include sidewalks and the premises of businesses not licensed to sell alcoholic beverages, upon approval of such businesses. (*Patron: McPike*)

SB 1304 Smoking in outdoor amphitheater or concert venue; civil penalty.

Adds § 15.2-926.4 to the Code of Virginia to authorize any locality, by ordinance, to designate reasonable no-smoking areas within an outdoor amphitheater or concert venue owned by the locality. The bill requires such ordinance to (i) require adequate signage designating such areas, (ii) provide that a violation of such ordinance is subject to a civil penalty of not more than \$25 to be paid into the treasury of the locality where the offense occurred and expended solely for public health purposes, and (iii) provide that any law-enforcement officer may issue a summons regarding a violation of the ordinance. (*Patron: Edwards*)

SB 1336 Mechanics' liens; notice of sale.

Amends §§ 43-34 and 46.2-644.03 of the Code of Virginia to specify that the notice of sale for property to be sold pursuant to a mechanics' lien shall be posted in any of the following places: (i) a public place in the county or city where the property is located; (ii) a website operated by the Commonwealth, the county or city where the property is located, or a political subdivision of either; or (iii) a newspaper of general circulation in the county or city where the property is located, either in print or on its website. Under current law, such notice of sale is required to be advertised in a public place, defined as a premises owned by the Commonwealth or a political subdivision thereof, or an agency of either, that is open to the general public. (*Patron: Edwards*)

SB 1358 Primary health care facility; established for employees of localities.

Adds § 15.2-966.1 to the Code of Virginia to provide that any locality may establish and

operate a primary care health care facility for the locality's employees and covered dependents, the services of which may include vision and dental care. (*Patron: Wagner*)

SB 1638 Newspapers; legal notice and publications, requirements.

Amends § 8.01-324 of the Code of Virginia to alter 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 and requiring such publication be in printed form; (ii) requiring that such a newspaper provide general news coverage of the area in which the notice is to be published; and (iii) requiring that such a newspaper have a periodicals mailing permit issued by the United States Postal Service. It further provides that a newspaper that lacks a periodicals permit issued by the United States Postal Service may petition the circuit court for the jurisdiction in which such notices or publications are to be published, as opposed to where such newspaper is located as current law requires, for the authority to be certified as a newspaper of general circulation. Allows a locality that determines that no newspaper published in such locality otherwise meets the requirements that enable it to be a newspaper for the use of such notices and publications to petition the circuit court in the jurisdiction in which such notices and publications are to be published for the authority to be published in another medium. Specifies that such petition shall not be filed without majority approval of the locality's local governing body. (*Patron: Boysko*)

Conflicts and Ethics

HB 1889 / SB 1067 Virginia Conflict of Interest and Ethics Advisory Council; meetings requirement.

Amends § 30-355 of the Code of Virginia to require the Virginia Conflict of Interest and Ethics Advisory Council to meet upon call of the chairman or when a majority of Council

request a meeting. Current law requires the Council meet quarterly or upon the call of the chairman. *(Patrons: James and Howell)*

SB 1430 Virginia Conflict of Interest and Ethics Advisory Council; duties.

Amends § 30-356 of the Code of Virginia and adds § 2.2-3132 to require all local elected officials to take training on the provisions of the State and Local Government Conflict of Interests Act at least once every two years. The bill requires such officials in office on July 1, 2019, to complete training no later than December 31, 2019. The Council may provide such training by online means. *(Patron: Obenshain)*

SB 1491 Conflict of Interests Act, State and Local Government; school boards and school employees, etc.

Amends § 2.2-3119 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act. The bill allows a school district to hire a relative of the division superintendent if (i) the superintendent certifies that he had no involvement with the hiring decision and (ii) the assistant superintendent certifies to the members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent had no involvement with the hiring decision. *(Patron: Chafin)*

Courts

HB 1998 HIV or hepatitis B or C viruses; exposure to bodily fluids, expedited testing.

Amends §§ 16.1-241 and 32.1-45.1 of the Code of Virginia to require a general district court to hold a hearing within 48 hours of a petition being filed seeking to compel collection of a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C viruses when exposure to bodily fluids occurs between a person and any health care provider, person employed by or under

the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, person employed by a public safety agency, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen. If the court is closed during the 48-hour time period, the petition shall be heard on the next day that the court is in session. The bill allows a testing order to be issued based on a finding that there is probable cause to believe that exposure has occurred. Any person who is the subject of such order may appeal to the circuit court of the same jurisdiction within 10 days of receiving notice of the order. *(Patron: Price)*

HB 2242 Statute of limitations; action based on an unsigned, written contract.

Amends § 8.01-246 of the Code of Virginia to provide that the statute of limitations for an action based on an unsigned, written contract is three years after the cause of action has accrued. This bill is a recommendation of the Boyd-Graves Conference. *(Patron: Sullivan)*

HB 2439 DNA analysis; conviction of certain crimes or similar ordinance of a locality.

Amends § 19.2-310.2 of the Code of Virginia to add persons convicted of local ordinances that are similar to certain crimes listed under current law to the list of persons from whom a blood, saliva, or tissue sample shall be taken for DNA analysis to determine identification characteristics specific to the person. This bill is a recommendation of the Virginia State Crime Commission. *(Patron: Campbell, R.R.)*

SB 1724 Employment records; written request from employee, subpoena duces tecum.

Amends § 8.01-413.1 of the Code of Virginia, to provide that an employer shall furnish a copy of certain employment records or papers within 30 days of receipt of a written request of a current or former employee or employee's attorney and provides that the employer may charge a reasonable fee to comply with such a

request. Provides that a subpoena duces tecum may be issued upon the failure of an employer to comply with such a written request and that if the court finds that an employer willfully refused to comply with such a written request, among other provisions. *(Patron: Norment)*

Elections

HB 1790 Absentee voting; certain absentee voters permitted to vote after close of absentee voting location.

Amends § 24.2-707 of the Code of Virginia to provide that an applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day. *(Patron: Krizek)*

HB 2046 / SB 1577 Elections; form of ballot, ballot order.

Amends § 24.2-613 of the Code of Virginia to require that on any ballot all offices to be elected shall appear before any questions presented to the voters. *(Patrons: McNamara and Suetterlein)*

HB 2148 Form of ballot; uniformity of names of candidates.

Amends § 24.2-613 of the Code of Virginia to require the names of all candidates on the ballots to be in the same font, size, and style. *(Patron: Ingram)*

HB 2178 Virginia voter registration system; security plans and procedures, remedying security risks.

Amends § 2.2-3711 of the Code of Virginia and adds § 24.2-410.2 to direct the State Board of Elections to promulgate regulations and standards necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies utilized by the counties and cities to maintain and record registrant information. The local electoral boards are also required to develop and update annually written plans and procedures to ensure the security and

integrity of the supporting technologies. The local electoral boards are further required to report annually to the Department of Elections on its security plans and procedures. The bill authorizes the Department of Elections to limit a locality's access to the Virginia voter registration system if it is determined that the county or city has failed to develop security plans and procedures or to comply with the security standards established by the State Board; such access would be limited as necessary to address and resolve any security risks or to enforce compliance. Records describing protocols for maintaining the security of the Virginia voter registration system and the supporting technologies utilized to maintain and record registrant information are exempted from the Freedom of Information Act and meetings to discuss those protocols are permitted to be closed pursuant to the provisions of the Freedom of Information Act. The bill requires the State Board of Elections to convene a work group prior to adopting security standards and to establish a standing advisory group of local government IT professionals and general registrars to assist and consult on updates to security standards. *(Patron: Sickles)*

HB 2625 Recounts; rules of procedure, multiple simultaneous recounts.

Amends §§ 24.2-800 and 24.2-802 to require a recount court to issue a written order setting out the rules of procedures for the conduct of a recount prior to the commencement of such recount. The bill also directs the State Board of Elections to promulgate standards and instructions for conducting simultaneous recounts of two or more elections in a single election district. *(Patron: Lindsey)*

HB 2760 / SB 1018 Redistricting; GIS maps required, review by the Department of Elections.

Amends §§ 24.2-304.3, 24.2-306, and 30-264 of the Code of Virginia and adds § 24.2-103.1 to require the clerk of the county, city, or town to send a Geographic Information System (GIS) map, along with the ordinance

containing a description of the boundaries, to the local electoral board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services when redistricting local election districts or making any changes to the local election districts or precincts. If a county, city, or town does not have GIS capabilities, the locality may request the Department of Elections to create a GIS map on its behalf and the Department of Elections shall create such a map. The bill requires the Department to review any ordinance and GIS map received and compare the boundaries contained within with the information in the voter registration system to ensure voters have been assigned to the correct districts and to notify localities of any corrections that may be necessary. The Department is required to maintain and make available on its official website maps showing the current election district and precinct boundaries of each county and city. *(Patrons: Sickles and Chase)*

HB 2790 / SB 1026 Absentee voting; no-excuse in-person available beginning on 2nd Sat. immediately preceding election.

Amends §§ 24.2-452, 24.2-612, 24.2-700, 24.2-701, and other sections of the Code of Virginia and adds § 24.2-701.1 to allow for any registered voter to vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the second Saturday immediately preceding the election, including the application requirement and the list of statutory reasons for absentee voting. The bill becomes effective for the November 3, 2020, general election, and the State Board of Elections is required to submit a report on the

procedures and instructions it promulgates for conducting absentee voting pursuant to the bill. *(Patrons: Rush and Spruill)*

HJ 591 Constitutional amendment; reapportionment, technical adjustments permitted (first reference).

Proposes an amendment to Section 6 of Article II of the Constitution of Virginia to give the General Assembly the authority to make technical adjustments to legislative electoral district boundaries following the enactment of any decennial reapportionment law. Such adjustments may be made solely for the purpose of causing legislative electoral district boundaries to coincide with the boundaries of voting precincts established in the counties and cities and shall be permitted only to the extent necessary to accomplish this purpose. Any change made shall be consistent with any criteria for legislative electoral districts adopted for the preceding decennial redistricting. *(Patron: Cole)*

HJ 615 / SJ 306 Constitutional amendment; apportionment, state and local independent redistricting commissions.

Proposes an amendment to Section 6 of Article II of the Constitution of Virginia and proposing amendments to the Constitution of Virginia by adding in Article II sections numbered 6-A and 6-B to establish the Virginia Redistricting Commission, a 16-member Commission tasked with establishing districts for the United States House of Representatives and for the state Senate and the House of. The Commission consists of eight legislative members and eight citizen members. The legislative members consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen members are selected by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection

committee by party leadership in the House of Delegates and the Senate. The Commission is required to submit to the General Assembly plans of districts for the General Assembly no later than 45 days following the receipt of census data, and plans of districts for the United States House of Representatives no later than 60 days following the receipt of census data, or July 1 of that year, whichever occurs later. The measure requires certain vote thresholds for plans, depending on the type of district, in order to be submitted to the General Assembly. No amendments may be made to a plan by the General Assembly or the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail. *(Patrons: Cole and Barker)*

SB 1042 Voter registration; notification of denial by general registrars.

Amends §§ 24.2-114 and 24.2-422 of the Code of Virginia to require the general registrars to notify a person whose registration has been denied within 14 days of the denial and provides that a person denied registration may appeal such denial by filing a petition within 10 days of being notified of the denial. Currently, the law simply requires that such notice be made promptly and that the appeal be filed within 10 days after the denial. *(Patron: Marsden)*

SB 1244 Voter registration; protected voter, foster parents.

Amends § 24.2-418 of the Code of Virginia to add to the list of protected voters any person who has been approved to be a foster parent pursuant to law. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public

inspection, and (iii) lists of absentee voter applicants. *(Patron: Reeves)*

SB 1564 Elections, State Board of; revision of regulations for reviewing and processing candidate petitions.

A Section One bill directing the State Board of Elections to revise its processes and associated regulations for reviewing and processing candidate petitions. Revised regulations are required to provide a process for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration was canceled, for tracking information associated with candidate petitions, and for escalating cases of suspected fraud to an appropriate entity. Requires State Board to promulgate these regulations on or before January 1, 2020. *(Patron: Lewis)*

SB 1781 Contests of certain elections; location of proceeding to contest.

Amends § 24.2-806 of the Code of Virginia to clarify that a proceeding to contest (i) a primary election for the United States House of Representatives, the Virginia Senate, the House of Delegates, or any county, city, town, or district office or (ii) an election to any county, city, town, or district office shall be in the circuit court of the county or city that the challenged candidate listed as his residency on his certificate of candidate qualification. Currently, the law provides that such proceeding be in the county or city in which the challenged candidate resides. *(Patron: Obenshain)*

Eminent Domain

SB 1256 Income tax, state; subtraction for gain from taking by eminent domain.

Amends §§ 58.1-322.02 and 58.1-402 of the Code of Virginia to create an income tax subtraction for gain recognized by a taxpayer from a taking of property by condemnation proceedings. *(Patron: Ruff)*

SB 1421 Eminent domain; entry upon private property, calculation of just compensation, damages.

Amends §§ 25.1-203, 25.1-230, 25.1-230.1, 25.1-312, 25.1-419, 33.2-1011, and 33.2-1024 of the Code of Virginia to make various changes to provisions related to entry upon private property in an eminent domain proceeding, including (i) requiring that the number of persons for whom permission to inspect the premises is sought be included in a request for permission to inspect private property for the purposes of a project wherein the power of eminent domain may be exercised; (ii) requiring the notice of intent to enter the property to include all of the information contained in the request for permission to inspect the property; (iii) requiring the court to award fees for up to three experts or as many experts as are called by the petitioner at trial, whichever is greater, if the petitioner damages the property during its entry; (iv) removing the requirement that the damage must be done maliciously, willfully, or recklessly for the owner to be reimbursed for his costs; and (v) removing the option that the owner may be reimbursed for his costs if the court awards the owner actual damages in an amount 30 percent or more greater than the petitioner's final written offer made no later than 30 days after the filing of an answer in circuit court or the return date in general district court.

The bill also provides the method by which just compensation for the taking of property in an eminent domain proceeding is calculated. (*Patron: Obenshain*)

**Freedom of Information/
Transparency**

HB 1740 Government Data Collection and Dissemination Practices Act; exemptions.

Amends § 2.2-3802 of the Code of Virginia to provide that personal information systems related to adult services and adult protective services that are maintained by the Department for Aging and Rehabilitative Services (DARS), rather than the Department of Social Services, are exempt from the Government Data

Collection and Dissemination Practices Act. The bill also adds to such exemption DARS personal information systems related to auxiliary grants. (*Patron: Bell, Richard P.*)

HB 1772 Virginia Freedom of Information Advisory Council; advisory opinions, evidence in civil proceeding.

Amends § 30-179 of the Code of Virginia and adds § 2.2-3715 to provide that any officer, employee, or member of a public body alleged to have willfully and knowingly violated the Virginia Freedom of Information Act who acted in good faith reliance upon an advisory opinion issued by the Virginia Freedom of Information Advisory Council may introduce such advisory opinion as evidence that the alleged violation was not made willfully and knowingly. (*Patron: Mullin*)

SB 1180 Virginia Freedom of Information Act; definition of trade secret.

Amends §§ 2.2-3701, 2.2-3705.2, 2.2-3705.6, 2.2-3705.7, and 2.2-3711 of the Code of Virginia to define the term "trade secret," for the purposes of the Virginia Freedom of Information Act, as meaning the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq (*Patron: Stuart*))

SB 1182 Virginia Freedom of Information Act; meetings held through electronic communication means.

Amends § 2.2-3708.2 of the Code of Virginia to clarify that certain requirements of current law regarding participation in public meetings through electronic communication means do not apply to meetings held to address a state of emergency declared by the Governor, specifically the requirements that public bodies (i) adopt a written policy regarding participation by electronic communication, (ii) have a quorum of a public body physically assembled at a primary or central location, and (iii) make arrangements for the voice of any member participating from a remote location to be heard by all persons at the primary or central location. (*Patron: Stuart*)

SB 1184 FOIA; applicability to sexual assault response teams, etc.

Amends §§ 2.2-3703, 2.2-3705.7, and 2.2-3711 of the Code of Virginia to provide that the Virginia Freedom of Information Act (FOIA) shall not apply to sexual assault response teams, with the exception of records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team, which the bill provides shall be public records and subject to the provisions of FOIA. The bill also provides that FOIA shall not apply to multidisciplinary child sexual abuse response teams. (*Patron: Stuart*)

SB 1431 Virginia Freedom of Information Act; training for local elected officials.

Amends § 2.2-3713 of the Code of Virginia and adds § 2.2-3704.3 to require the Virginia Freedom of Information Advisory Council or the local government attorney to provide, and local elected officials to complete, a training session on the provisions of the Virginia Freedom of Information Act. The bill requires local elected officials to complete such training at least once every two years while they are in office. The bill also eliminates the three-day notice requirement for an expedited hearing on a petition for mandamus or injunction where violations relating to the open meeting requirements of the Act are alleged. The requirement of the bill for online training for local officials has a delayed effective date of July 1, 2020. (*Patron: Obenshain*)

SB 1492 FOIA; exclusions, proprietary records and trade secrets.

Amends § 2.2-3705.6 of the Code of Virginia to exclude trade secrets, financial information, and research-related information supplied to the Department of Housing and Community Development (the Department) as part of any grant application submitted to the Department pursuant to certain requirements set out in the Code or pursuant to the Virginia Growth and Opportunity Board or the Virginia Telecommunication Initiative as authorized by the appropriation act from the mandatory

disclosure provisions of FOIA, if such disclosure would be harmful to the competitive position of the applicant. (*Patron: Chafin*)

SB 1554 Virginia Freedom of Information Act (FOIA); violations and civil penalties.

Amends § 2.2-3714 of the Code of Virginia to provide that in addition to any penalties imposed under FOIA, (i) if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such officer, employee, or member of a public body altered or destroyed the requested public records with the intention of avoiding the provisions of FOIA prior to the expiration of the applicable record retention period set pursuant to the Virginia Public Records Act, the court may impose upon such officer, employee, or member in his individual capacity a civil penalty of up to \$100 per record altered or destroyed and (ii) if a public body voted to certify a closed meeting and the certification was not in accordance with the requirements of FOIA, the court may impose a civil penalty of up to \$1000 against the public body. The bill provides mitigating factors a court shall consider in determining whether a civil penalty is appropriate. (*Patron: Surovell*)

Personnel/Workers Compensation

HB 1804 / SB 1030 Workers' compensation; presumption of compensability for certain diseases.

Amends § 65.2-402 of the Code of Virginia to add cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure will become effective if reenacted by the 2020 Session of the General Assembly and directs the 2020 Session of the General Assembly to consider any research, findings, and recommendations from the Joint Legislative Audit and Review Commission's review of the Virginia Workers' Compensation program. (*Patrons: Hugo and Cosgrove*)

HB 2022 Workers' compensation, filing of claim.

Amends § 65.2-602 of the Code of Virginia, to provide that if an employer has received notice of an accident resulting in compensable injury to an employee and the employer has paid compensation to the employee during the resultant incapacity for work or the employer has failed to file the report the accident with the Virginia Workers' Compensation Commission, the statute of limitations applicable to the filing of a claim shall be tolled until the last day for which payment of compensation or of medical services is provided and that occurs more than six months after the date of accident, among other provisions. (*Patron: Murphy*)

HB 2263 / SB 1494 Firefighters and Emergency Medical Technicians Procedural Guarantee Act; breach of procedures.

Amends § 9.1-302 of the Code of Virginia to prohibit evidence gathered through the conduct of an interrogation that violates the provisions of the Firefighters and Emergency Medical Technicians Procedural Guarantee Act from being admissible in any administrative hearing against a firefighter or emergency medical services personnel. (*Patrons: Krizek and Edwards*)

HB 2473 / SB 1079 Minimum Wage, exemptions.

Amends § 40.1-28.9 of the Code of Virginia, to eliminate the exemptions to Virginia's minimum wage requirements for newsboys, shoe-shine boys, babysitters who work 10 hours or more per week, ushers, doormen, concession attendants, and cashiers in theaters. (*Patrons: Price and Spruill*)

HB 2577 / SB 1693 Health insurance; coverage for autism spectrum disorder.

Amends § 38.2-3418.17 of the Code of Virginia to require health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum

disorder in individuals of any age. Currently, such coverage is required to be provided for individuals from age two through age 10. The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2020. (*Patrons: Thomas and Vogel*)

HB 2656 Law-Enforcement Officers Procedural Guarantee Act; amends definition of law-enforcement officer.

Amends § 9.1-500 of the Code of Virginia to amend the definition of "law-enforcement officer" under the Law-Enforcement Officers Procedural Guarantee Act (the Act) to include those persons who are non-probationary officers of the police department, bureau, or force of any political subdivision or the campus police department of any public institution of higher education of the Commonwealth where such department, bureau, or force has three or more law-enforcement officers. Currently, such department, bureau, or force is required to have at least 10 law-enforcement officers for purposes of this definition. (*Patron: Collins*)

HB 2664 / SB 1696 Wage payment statements; each employer to provide on each regular pay date.

Amends § 40.1-29 of the Code of Virginia to require each employer, effective January 1, 2020, to provide on each regular pay date a written statement, by a paystub or online accounting, that shows the name and address of the employer, the number of hours worked during the pay period, and the rate of pay, but does not apply to agricultural employment with certain exceptions. (*Patrons: Aird and Wagner*)

SB 1729 Workers' compensation, payment of claims.

Amends § 65.2-605.1 of the Code of Virginia, to prohibit a health care provider from submitting a claim to the Workers' Compensation Commission seeking additional payment for medical services rendered to a claimant before July 1, 2014, if the health care provider has

previously accepted payment for the same medical services pursuant to the federal Longshore and Harbor Workers' Compensation Act. (*Patron: Norment*)

Procurement

HB 1629 Virginia Public Procurement Act; request for proposals, publication.

Amends § 2.2-4302.2 of the Code of Virginia to remove the requirement for newspaper publication of Requests for Proposals for professional services. (*Patron: Fowler*)

HB 2071 / SB 1153 Virginia Public Procurement Act; job order contracting, limitations.

Amends § 2.2-4303.2 of the Code of Virginia to change the maximum allowable sum of all jobs performed in a one-year contract term for job order contracts by increasing such maximum from the current amount of \$5 million to \$6 million on July 1, 2019. The bill also provides an exception to allow job order contracting in the case of safety improvements or traffic calming measures for individual job orders up to \$250,000, subject to the maximum annual threshold amount as established in the bill. (*Patrons: Bell, John J. and Black*)

HB 2198 Virginia Public Procurement Act; exempts counties, cities, etc., with population greater than 3,500.

Amends § 2.2-4343 of the Code of Virginia to require all counties, cities, and school divisions, and all towns having a population greater than 3,500, in the Commonwealth that are exempt from the provisions of the Virginia Public Procurement Act (the Act) because they have adopted alternative policies and procedures as permitted by law to procure professional services through competitive negotiation as set forth in the Act when the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project. Under current law, such counties, cities, and school divisions, and all towns having a population greater than

3,500, are required to procure professional services through competitive negotiation as set forth in the Act when the cost of the professional service is expected to exceed \$60,000 in the aggregate or for the sum of all phases of a contract or project. (*Patron: Gilbert*)

Public Safety

HB 1771 Virginia Juvenile Community Crime Control Act; prevention of juvenile crime prior to intake.

Amends §§ 16.1-309.2, 16.1-309.3, and 16.2-309.7 of the Code of Virginia to provide that juveniles who have been screened for needing community-based services using an evidence-based assessment protocol are eligible to receive community-based services as provided by the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.). Requires the total number of children who have been screened for needing community diversion or community-based services using an evidence-based assessment protocol to be factored into the funding determination for community diversion services as provided for by the Act. (*Patron: Mullin*)

HB 2252 Firearms ordinances; applicability to property located in multiple localities.

Adds § 29.1-528.3 to the Code of Virginia to allow a landowner whose property, including multiple contiguous parcels, spans two or more localities to elect to have the firearms ordinances of the locality in which the largest portion of the contiguous parcel lies apply to anyone hunting on the property. The bill provides that the provisions of this act shall not take effect unless reenacted by the 2020 general Assembly session and that the Department of Game and Inland Fisheries shall be notified by the landowner and shall study this issue and report findings to the Chair of House Agriculture, Chesapeake and Natural Resources Committee and Senate Committee on Agriculture, Conservation and Natural resources by the first day of the 2020 regular session. (*Patron: Head*)

HB 1773 Pawnbrokers; amends definition to only include natural persons.

Amends §§ 54.1-4000, 54.1-4001, 54.1-4003, 54.1-4009, 54.1-4010, and 54.1-4200 of the Code of Virginia Amends the definition of “pawnbroker” to only include natural persons. Under current law, a person, defined to include corporations, partnerships, associations, cooperatives, limited liability companies, trusts, joint ventures, governments, political subdivisions, or any other legal or commercial entities and any successor, representative, agent, agency, or instrumentality thereof, may become a licensed pawnbroker. The bill provides that counties, cities, or towns may choose to extend the license of a pawnbroker who is not a natural person for a period of up to one year. *(Patron: Mullin)*

HB 2585 Sheriffs; standard motor vehicle markings.

Amends § 15.2-1610 of the Code of Virginia to require that all marked motor vehicles used by sheriffs’ offices conspicuously display on each front side door of such vehicles the words “Sheriff’s Office” or “Sheriff” and the name of the county or city. Current law requires such vehicles to be solid dark brown or some other solid color, with a reflectorized gold, five-point star on each front side door and requires that the lettering on such stars say “Sheriff’s Office” or “Sheriff” in a half-circle above the Seal of the Commonwealth or the seal of the jurisdiction. Current law also requires that the name of the county or city be placed in a half-circle below the Seal and the words “Sheriff’s Office” or “Sheriff” be placed on the rear of the trunk. *(Patron: Gilbert)*

SB 1048 Auxiliary law-enforcement officers; purchase of service handguns or weapons.

Amends § 59.1-148.3 of the Code of Virginia to eliminate the requirement that a sheriff or local police department seek written authorization from the local governing body before allowing an auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than fair market value. *(Patron: Cosgrove)*

SB 1521 Handheld photo speed monitoring devices; DSP may operate in or around a highway work zone.

Amends § 46.2-882 of the Code of Virginia and adds § 46.2-882.1 to provide that the Department of State Police may operate a handheld photo speed monitoring device, defined in the bill, in or around a highway work zone for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone when (i) workers are present and (ii) such highway work zone is indicated by appropriately placed signs displaying the maximum speed limit and the use of such handheld automated speed monitoring device. The bill also provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit by the handheld device. This bill has a reenactment clause and a provision that a review of the use of the devices be conducted and a report by the Secretary of Public safety to Courts Committees and Appropriations by November 1, 2019. *(Patron: Carrico)*

SB 1625 Statewide Fire Prevention Code; changes definition of permissible fireworks.

Amends § 27-95 of the Code of Virginia to change the definition of permissible fireworks for purposes of the Statewide Fire Prevention Code to mean any fountains that do not emit sparks or other burning effects to a distance greater than five meters (16.4 feet); wheels that do not emit a flame radius greater than one meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than two meters (78.74 inches); and sparkling devices or other fireworks devices that (i) do not explode or produce a report, (ii) do not travel horizontally or vertically under their own power, (iii) do not emit or function as a projectile, (iv) do not produce a continuous flame longer than 20 inches, (v) are not capable of being reloaded, and (vi) if designed to be

ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than four seconds and not more than eight seconds. Current law defines this category of fireworks in more general terms. (*Patron: McPike*)

SB 1768 Handheld personal communications devices; use while driving, etc.

Amends § 46.2-1078.1 of the Code of Virginia to prohibit any person from holding a handheld personal communications device while driving a motor vehicle in a highway work zone, with certain exceptions. The bill provides that a violation is punishable by a mandatory fine of \$250. Current law prohibits only the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating, with the same exceptions. (*Patron: Mason*)

FAILED LEGISLATION

Administration of Government

HB 1723 County board of supervisors; presiding officers, terminology.

Amends § 15.2-1422 of the Code of Virginia to specify that the presiding officer of a board of supervisors shall be called “chairman,” “chairwoman,” “chair,” or “chair-at-large,” in the presiding officer’s discretion. (*Patron: Reid*)

HB 2077 Local audit; localities required to submit their annual local audit to Auditor of Public Accounts.

Amends § 15.2-2511 of the Code of Virginia to require localities to submit their annual local audit to the Auditor of Public Accounts. If the audit is not completed as required, the locality shall promptly post a statement on its website declaring that the required audit is pending, the reasons for the delay, and the estimated date of completion. Such statement shall also be posted and made available to the public at the next scheduled meeting of the local governing body. (*Patron: Aird*)

HB 2112 Natural gas companies; right of entry upon property.

Amends § 56-49.01 of the Code of Virginia to curtail the ability of a natural gas company to enter upon real property for conducting surveys and other tests for its proposed line or the location of facilities by requiring that entry for the selection of a route or facility location be for public use. The measure defines “public use” as existing if the general public has a right to a certain and definite use of a private property on terms and for charges fixed by law, and the owner of the property is compelled by law to permit the general public to enjoy it or its services, and further requires that any pipeline be obligated to serve the general public and be regulated in such obligation and to distribute gas to regulated public utilities or to natural gas distribution systems within the Commonwealth. (*Patron: Hurst*)

HB 2412 Electronic tracking devices; consent of fleet vehicle operator.

Amends § 18.2-60.5 of the Code of Virginia to require the owner of fleet vehicles to obtain consent of the vehicle operator before installing or placing an electronic device on the fleet vehicle to track it. (*Patron: Adams, L.R.*)

HB 2724 Uniform Statewide Building Code; rental inspection districts, etc.

Amends § 36-105.1:1 of the Code of Virginia to permit a local building department in a locality that has established a rental inspection district to choose to delay the initial inspection of dwelling units until the first time the units become vacant on or after the establishment of the district, unless an earlier inspection is requested by the owner or a tenant. (*Patron: Helsel*)

SB 1013 Driver’s license; suspension for nonpayment of fines or costs.

Amends the Code of Virginia to repeal the requirement that the driver’s license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing

the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. Requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2019, solely for nonpayment of fines or costs, provided that such person has paid the applicable reinstatement fee. (*Patron: Stanley*)

SB 1155 Screening of trash receptacles; local option.

Amends § 15.2-901 of the Code of Virginia to authorize a locality, by ordinance, to require that trash, garbage, refuse, litter, and other debris at any business or multi-family residential property that has a central collection receptacle be shielded or screened from view of a person standing at ground level from outside of the property on which the central collection receptacle is located. (*Patron: Black*)

SB 1305 Recycling and waste disposal; unpaid fees, lien.

Amends § 15.2-928 of the Code of Virginia to authorize a locality to recover unpaid charges, including interest for recycling and waste disposal services. The bill provides that such action shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes, and authorizes localities to combine billings for recycling and waste disposal charges with billings for water or sewer charges, stormwater charges, real property tax assessments, or other billings, in an order established by the locality. (*Patron: Edwards*)

**Freedom of Information/
Transparency**

HB 2507 Attorney General, Office of the; FOIA Ombudsman appointed, powers and duties; report.

Adds § 2.2-501.1 to the Code of Virginia to require the Attorney General to appoint a Virginia Freedom of Information Act

Ombudsman (Ombudsman) to promote compliance by state agencies with the provisions of the Virginia Freedom of Information Act (FOIA). Outlines the powers and duties of the Ombudsman and provides for the Ombudsman to submit by November 30 of each year a report on his activities and policy recommendations to the Governor and the General Assembly. (*Patron: Roem*)

Elections

HB 1615 / SB 1243 Elections; date of June primary election.

Amends §§ 24.2-311, 24.2-503, 24.2-507, 24.2-510, 24.2-515, and 24.2-515.1 of the Code of Virginia to change the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date. (*Patrons: Landes and Reeves*) **HB 2048 (McGuire)** is similar and would also change the date of the May general election from the first Tuesday in May to the second Tuesday in May.

HB 1620 / SB 1455 Elections, Department of and State Board of; reorganization.

Amends §§ 2.2-106, 24.2-102, and 24.2-103 of the Code of Virginia to increase the membership of the State Board of Elections from three members to five members and increase the terms of Board members from four years to five years. Representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill also grants to the Board the authority to appoint and remove the Commissioner of Elections, subject to confirmation by the General Assembly. The appointment or removal of the Commissioner shall require an affirmative vote of four of the five Board members. The bill has a delayed effective date of January 1, 2020. (*Patrons: Ransone and Vogel*) **VETOED**

HB 1904 Voter registration; registration on election day, registration of provisional voters, etc.

Amends §§ 24.2-404, 24.2-416, 24.2-416.4, and 24.2-653 of the Code of Virginia to provide that persons who are otherwise qualified to register to vote are entitled to register to vote and cast a ballot in person in the office of the general registrar, or at another location or locations in the county or city approved by the electoral board, on the day of the election. Additionally, the provisional ballot of a person who is required to vote a provisional ballot because his name does not appear on the pollbook shall be counted if the general registrar determines during the canvass that the person was qualified for registration based upon the application for registration submitted by the person with his provisional ballot. (*Patron: Simon*)

HB 2034 Local electoral boards and general registrars; removal from office by circuit court, etc.

Amends §§ 24.2-103, 24.2-109, 24.2-234, and 24.2-235 of the Code of Virginia and adds § 24.2-234.1 to the Code of Virginia to provide for the removal of a general registrar by the circuit court upon a petition signed by a majority of members of the local electoral board. Currently, a local electoral board may remove a general registrar with a majority vote. The bill requires the Virginia Division of Risk Management to assign counsel to the defense of any member of a local electoral board or general registrar subject to a petition for removal, upon that member's or registrar's application. (*Patron: McGuire*) **VETOED**

HB 2447 Super precincts; pilot program.

Adds § 24.2-307.1 to the Code of Virginia to authorize the State Board of Elections to conduct a pilot program under which one or more counties or cities whose proposal for participation in such pilot program is unanimously approved by the State Board would be permitted to use super precincts in

the June primary elections. The bill requires the governing body of a county or city applying to participate in the pilot program to submit a plan for participation that includes the number of super precincts to be established in the county or city and the boundaries of such precincts and (ii) the location of vote centers to be established in each super precinct. The bill defines "super precinct" as the territory established by a county or city pursuant to the pilot program to be served by one or more vote centers and "vote center" as the structure that contains the one place provided for each super precinct at which the qualified voters who are residents of the super precinct may vote in a June primary election. (*Patron: Wilt*)

HB 2751 / SB 1731 County board of supervisors or city council; elections for members, ranked choice voting.

Adds § 24.2-673.1 to the Code of Virginia to provide that elections of members of a county board of supervisors or a city council may be conducted by ranked choice voting, which the bill describes as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds in each of which either a candidate or candidates are elected or the last-place candidate is defeated, and (iii) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill provides that any costs incurred by the Department of Elections related to technological changes necessary for the implementation of ranked-choice voting pursuant to the bill shall be charged to the localities exercising the option to proceed with ranked-choice voting. (*Patrons: Toscano and Ebbin*)

SB 1016 Form of ballot; party identification of certain candidates.

Amends § 24.2-613 of the Code of Virginia to provide that any candidate for a constitutional office who has been nominated by a political party or in a primary election shall be

identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices nominated by a political party or in a primary election are so identified. *(Patron: Chase)*

SB 1038 Voter registration; verification of social security numbers, provisional registration status.

Amends § 24.2-653 of the Code of Virginia and adds §§ 24.2-418.01 and 24.2-653.2 to require the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (State Board) before registering such applicant. If the information provided by the applicant does not match the information in such a database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot, but such ballot shall not be counted until the voter presents certain information. *(Patron: Peake)* **VETOED**

SB 1087 Election districts; requirements for precincts, remedying split precincts.

Adds § 24.2-304.04 to the Code of Virginia to authorize the General Assembly, subsequent to the enactment of House of Delegates and Senate districts following a decennial census pursuant to Article II, Section 6 of the Constitution of Virginia, to make technical adjustments to the legislative district boundaries solely for the purpose of causing district boundaries to coincide with the current boundaries of local voting precincts. Adjustments shall change existing districts only to the extent necessary to accomplish this purpose, and any change shall be consistent with the criteria for districts adopted for the preceding decennial redistricting. *(Patron: Obenshain)* **VETOED**

SB 1102 Congressional & legislative district boundaries; alignment with boundaries of counties & cities.

Amends §§ 24.2-302.2, 24.2-303.3, and 24.2-304.03 of the Code of Virginia and adds § 24.2-314 to provide that, for purposes of congressional, senate, and House of Delegates districts, if a boundary of such a district virtually coincides with the boundary between two or more localities, the boundary of the congressional district shall conform to the boundary between the localities that has been (i) agreed upon by those localities, (ii) adopted in ordinances by those localities, and (iii) reported by those localities to the United States Bureau of the Census. The bill requires the State Board of Elections to review any change of boundary to determine whether there is evidence that the change was made with fraudulent intent, and if it appears there was fraudulent intent, the Board refers the matter to a circuit court to approve or deny the change. If two or more localities sharing a boundary cannot agree on the true boundary line between them, the boundary shall be that which was in existence on April 1, 2011, and was reported by the United States Bureau of the Census in the 2010 Census reports provided pursuant to United States Public Law 94-171. *(Patron: Peake)*

SB 1579 Congressional and state legislative districts; standards and criteria.

Adds § 24.2-304.04 to the Code of Virginia to provide criteria by which congressional and state legislative districts are to be drawn, including equal population, racial and ethnic fairness, respect for existing political boundaries, contiguity, compactness, and communities of interest. The criteria set out would apply to those districts drawn following the 2020 United States Census and thereafter. *(Patron: Suetterlein)* **VETOED**

Eminent Domain

SB 1039 Eminent domain; commissioners.

Amends §§ of the Code of Virginia to remove

the option by a landowner in a condemnation proceeding of selecting commissioners instead of jurors to determine just compensation. Under the bill, the land owner would be able to elect that just compensation be determined by a jury; if he does not make such an election, the court would make such a determination. *(Patron: Peake)*

SB 1403 Eminent domain; eliminates specific provisions for assessment of costs in certain proceedings.

Amends § 25.1-245.1 of the Code of Virginia and repeals § 25.1-245 of the Code of Virginia, to eliminate specific provisions for the assessment of costs in eminent domain proceedings where the condemnor is a public service company, public service corporation, railroad, or government utility corporation and provides that all costs shall be assessed in the same manner, regardless of the identity of the condemnor. *(Patron: Petersen)*

SB 1404 Eminent domain; costs for petition for distribution of funds, interest rate.

Amends §§ 25.1-310, 33.2-1021, and 33.2-1023 of the Code of Virginia to provide that the costs of filing a petition with the court for the distribution of the funds due pursuant to an eminent domain proceeding shall be taxed against the condemnor. The bill also provides that the interest rate on the funds represented by a certificate of deposit from the date of filing of the certificate until the funds are paid into the court shall not be less than the judgment rate of interest. *(Patron: Petersen)*

SJ 302 Constitutional amendment; eminent domain, public utility.

Proposing an amendment to Section 11 of Article I of the Constitution of Virginia to provide that an interstate natural gas pipeline is not considered a utility service for the purpose of determining whether a public service company or public service corporation is exercising the power of eminent domain for a public use. *(Patron: Deeds)*

Personnel/Workers Compensation

HB 1706 Workers' compensation; declares PTSD suffered by a first responder as an occupational disease, etc.

Declares that post-traumatic stress disorder (PTSD) suffered by a first responder is an occupational disease suffered in the line of duty if, among other conditions, the PTSD is demonstrated by clear and convincing evidence to have resulted from the responder's documented exposure to a qualifying event in the course of his employment and requires employers of first responders to provide educational training related to PTSD awareness, prevention, mitigation, and treatment. *(Patron: Kory)*

HB 1747 Workers' compensation; retaliatory discharge of employee.

Prohibits an employer or other person from discharging an employee if the discharge is motivated to any extent by knowledge or belief that the employee has filed a claim or taken or intends to take certain other actions under the Virginia Workers' Compensation Act. *(Patron: Carter)*

HB 1748 Workers' compensation, employer to notify employee of intent.

Requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether the employer intends to accept or deny the claim or is unable to make such a determination because it lacks sufficient information from the employee and to provide reasons if the employer intends to deny the claim. *(Patron: Carter)*

HB 1764 Government employees; strikes.

Repeals the provisions of the Code of Virginia that, among other things, provide that any employee of the Commonwealth, a locality, or other political subdivision who strikes or willfully refuses to perform the duties of his employment is deemed to have terminated his employment and is thereafter ineligible for employment. *(Patron: Carter)*

HB 1862 Employees; break time and location to express breast milk.

Requires employers, including the Commonwealth and its political subdivisions, to provide reasonable unpaid break time each day to an employee who needs to express breast milk for her nursing child for one year after the child's birth and requires an employer to make reasonable efforts to provide a room or other location, other than a bathroom, where the employee can express breast milk in privacy, among other provisions. *(Patron: McQuinn)*

HB 2281 / SB 1465 Workers' compensation; occupation disease presumptions, PTSD.

Establishes a presumption that if certain firefighters, law-enforcement officers or similarly situated employees receive a diagnosis of post-traumatic stress disorder (PTSD) or suffer death or impairment resulting disability from work caused by a single critical event or multiple exposures to critical events that occurred in the course of the employment, then the PTSD is an occupational disease, suffered in the line of duty, that is covered by the Virginia Workers' Compensation Act unless such presumption is overcome by a preponderance of competent evidence to the contrary. *(Patrons: Filler-Corn and McPike)*

HB 2402 Public Employment; limitations on inquiries by state agencies and localities regarding arrests.

Prohibits state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, with certain exceptions. *(Patron: Aird)*

HB 2631 Minimum wage; local alternative.

Establishes a procedure by which a local alternative minimum wage may be imposed in any locality. *(Patron: Levine)*

HB 2736 Local employee grievance procedure; qualifying grievances by local government employees.

Amends § 15.2-1507 of the Code of Virginia

to provide that qualifying grievances by local government employees shall advance to a final step as agreed upon by the aggrieved and the local government; however, if an agreement cannot be reached on whether to use a panel hearing or hearing officer, a three-person panel shall be used. *(Patron: Hugo)*

SB 998 Public employment; prohibits discrimination on basis of sexual orientation or gender identity.

Prohibits discrimination in public employment on the basis of sexual orientation or gender identity and codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. *(Patron: Ebbin)*

SB 1200 Minimum wage; increase to \$10 per hour effective July 1, 2019.

Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10 per hour effective July 1, 2019, to \$13 per hour effective July 1, 2020, and to \$15 per hour effective July 1, 2021, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA), among other provisions. *(Patron: Dance)*

SB 1708 Law-Enforcement Officers Procedural Guarantee Act; hearing panel decisions.

Amends § 9.1-504 of the Code of Virginia to make final and binding the decision of the hearing panel conducting a hearing to review an action that dismisses, demotes, suspends, or transfers a law-enforcement officer for punitive reasons, if such decisions are consistent with law and written policy. Under current law, the hearing panel only provides advisory recommendations. The bill allows either party to the hearing to petition the circuit court of the locality in which the grievant is employed for an order requiring the implementation of the final decision of the hearing panel. *(Patron: Edwards)*

Procurement

HB 1632 Virginia Public Procurement Act; multiple award indefinite delivery/ indefinite quantity contracting.

Amends § 2.2-4301 of the Code of Virginia and adds § 2.2-4303.3 to add multiple award indefinite delivery/indefinite quantity contracting as an allowable method of procurement for public bodies under the Virginia Public Procurement Act (§ 2.2-4300 et seq.). (*Patron: Cole*)

HB 1667 / SB 1369 Virginia Public Procurement Act; statute of limitations on actions on construction contracts, etc.

Amends §§ 2.2-4340, 2.2-4343, and 23.1-1017 of the Code of Virginia and adds § 2.2-4340.1 to the Code of Virginia to provide that no action may be brought by a public body on any construction contract, including construction management and design-build contracts, unless such action is brought within five years after substantial completion of the work on the project and that no action may be brought by a public body on a warranty or guarantee in such construction contract more than one year from the breach of that warranty, but in no event more than one year after the expiration of such warranty or guarantee. 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 one year after substantial completion of the work on the project. 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. (*Patrons: Kilgore and Norment*)

HB 1796 Virginia Public Procurement Act; competitive negotiation, price for professional services.

Amends § 2.2-4302.2 of the Code of Virginia

to allow public bodies to request price information in a Request for Proposal for professional services. (*Patron: Cole*)

HB 2072 Virginia Public Procurement Act; competitive negotiation for professional services.

Amends § 2.2-4302.2 of the Code of Virginia to provide 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. (*Patron: Bell, John J.*)

HB 2122 Virginia Public Procurement Act; public works contracts, prevailing wage, penalty.

Amends § 40.1-6 of the Code of Virginia and adds § 2.2-4321.3 to require contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration at the prevailing wage rate to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works. The bill requires the Commissioner of Labor and Industry to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. The bill provides that a contractor or subcontractor who knowingly or willfully employs any mechanic, laborer, or worker to perform work to be done under the public contract at a rate that is less than the prevailing wage is guilty of a Class 1 misdemeanor and that such contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to such individuals. (*Patron: Carroll Foy*)

HB 2435 Virginia Public Procurement Act; local labor use requirement for certain construction contracts.

Adds § 2.2-4321.3 to the Code of Virginia to require under the Virginia Public Procurement Act (§ 2.2-4300 et seq.) that every public body, when engaged in procuring contracts for construction with a projected cost in excess of \$500,000 paid for in whole by state or local funds, include in its specifications a requirement that at least 60 percent of the employees employed by contractors and subcontractors for the construction project be from the local labor market. The bill defines “local labor market” to mean every locality in Virginia and any county outside of Virginia if any portion of that county is within 75 miles of the Virginia border. (*Patron: Torian*)

HB 2475 Virginia Public Procurement Act; use of competitive negotiation for construction, etc.

Amends §§ 2.2-4303 and 2.2-4321.2 of the Code of Virginia to require that competitive negotiation be used for construction projects where the project cost is expected to be more than \$500,000. Under current law, construction may be procured only by competitive sealed bidding, except (i) when procured by a public body on a fixed price design-build basis or construction management basis as permitted by law or (ii) when procured by a public body for the construction of highways and any draining, dredging, excavation, grading, or similar work upon real property under certain circumstances. The bill also exempts contracts for the construction of public works where the project cost is expected to be more than \$500,000 from certain provisions relating to state agency agreements with labor organizations. (*Patron: Torian*)

HB 2688 Virginia Public Procurement Act; use of best value procurement, construction.

Amends §§ 2.2-4300, 2.2-4303, 2.2-4304, 2.2-4305, 2.2-4345, 15.2-5102.1, 15.2-6314.1, 23.1-1002, and 33.2-223 of the Code of Virginia to authorize any public body to procure construction on a best value procurement

basis. Under the bill, if proceeding on a best value procurement basis, the Request for Proposal must contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis and describe (i) the criteria that will be considered in evaluating the proposals and (ii) the rating or weighting system that will be used in evaluating the proposals, including a disclosure that price will be weighted at least 51 percent as a factor. (*Patron: Campbell, R.R.*)

SB 1345 Virginia Public Procurement Act; competitive negotiation for professional services.

Amends § 2.2-4302.2 of the Code of Virginia to provide 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. (*Patron: Favola*)

Public Safety

HB 1654 Prohibited public carrying of certain firearms in public areas; penalty.

Amends § 18.2-287.4 of the Code of Virginia to prohibit the carrying of a loaded shotgun or rifle in places open to the public in certain cities and counties. Current law prohibits the carrying in such locations of certain loaded firearms with high capacity magazines, silencers, or folding stock, or a loaded shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered. The bill adds the City of Roanoke to the list of cities in which the carrying of such firearms is prohibited. (*Patron: Rasoul*)

HB 1695 Passing a stopped school bus; civil penalty.

Amends § 46.2-844 of the Code of Virginia to increase from \$250 to \$500 the civil penalty for passing a stopped school bus. (*Patron: Fariss*)

HB 1776 Tannerite; prohibition or regulation by localities.

Adds § 15.2-918.1 to the Code of Virginia to provide that any locality may by ordinance prohibit or regulate the use of tannerite or a similar two-component explosive in or near residential areas. Any penalty for an offense pursuant to such an ordinance shall not exceed a Class 3 misdemeanor. *(Patron: Cole)*

HB 1811 Handheld personal communications devices; prohibition on holding while driving.

Amends § 46.2-1078.1 of the Code of Virginia to prohibit any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits only the reading of any email or text message and manually entering letters or text in such a device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are being held and used (i) as an amateur radio or a citizens band radio; or (ii) for official Department of Transportation or traffic incident management services. *(Patron: Collins)*

HB 1992 Localities; regulation of firearms in government buildings.

Amends § 15.2-915 of the Code of Virginia to allow localities and authorized agents of such localities to regulate the possession of firearms, ammunition, or components or combination thereof in, or the carrying of such items into, any building owned or used by such locality for governmental purposes. The bill also removes the prohibition against a locality regulating the purchase, transfer, ownership, carrying, storage, or transporting of such items. Current law prohibits localities from adopting or enforcing any ordinance, resolution, or motion regarding firearms, ammunition, or components or combination thereof, except workplace rules relating to terms and conditions of employment of the workforce or unless such ordinance, resolution, or motion is expressly authorized by statute. *(Patron: Price)*

HB 1999 Emergency Management, Department of; responsibilities of political subdivisions.

Amends §§ 44-146.16, 44-146.18, and 44-146.19 of the Code of Virginia to direct the Department of Emergency Management (the Department) to ensure that training programs and programs of public information and education regarding emergency services and disaster preparedness activities established and operated by state agencies be designed to include and reach individuals with limited English proficiency, disabilities, or other special needs. *(Patron: Price)*

HB 2270 Incarcerated aliens, certain; release from jail, notice to Immigration & Customs Enforcement.

Adds § 53.1-220.3 to the Code of Virginia to require that the sheriff, jail superintendent, or other official in charge of a local correctional facility or a regional jail in which an alien is incarcerated shall notify U.S. Immigration and Customs Enforcement of the release or discharge of the alien forthwith as soon as the release date is known. *(Patron: Poindexter)*
VETOED

HB 2782 Sheriff's deputies and police officers, local; billing of certain medical expenses.

Adds § 15.2-1518.1 to the Code of Virginia to provide that in any instance in which a sheriff's deputy or police officer of a locality incurs medical expenses for treatment by a health care provider for an incident that occurs in the line of duty as the direct or proximate result of the performance of his duty, the locality shall instruct the health care provider that all of its billings for such medical expenses shall be directed to the locality, and not to the sheriff's deputy or police officer, for payment as appropriate. *(Patron: Campbell, R.R.)*

HJ 694 Virginia State Police; air emergency medical services, report.

Requests the Virginia State Police to study

the availability and affordability of air emergency medical services throughout the Commonwealth. (*Patron: LaRock*)

SB 1012 Firefighters, emergency medical services personnel, etc.; carrying a concealed weapon.

Amends § 18.2-308 of the Code of Virginia to provide that any firefighter or person employed as emergency medical services personnel may carry a concealed handgun while engaged in the performance of his official duties, provided that such firefighter or person employed as emergency medical services personnel has been approved to carry a concealed handgun by his fire chief or emergency medical services chief. (*Patron: Chase*)

SB 1033 Body-worn camera; release of recordings, penalty.

Adds § 19.2-265.7 to the Code of Virginia to provide a procedure for a defendant to request the inspection and the copying or photographing of any body-worn camera recordings that are within the possession, custody, or control of the Commonwealth. The bill provides that the Commonwealth may designate any body-worn camera recording subject to disclosure as Counsel Only Material and that any unlawful reproduction or dissemination of such designated recordings is punishable as a Class 1 misdemeanor. The bill provides a retention schedule for such recordings and provides that such recordings shall not be considered a public record for the purpose of the Virginia Public Records Act (§ 42.1-76 et seq.). The bill requires all such requests for body-worn camera recordings to comply with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). (*Patron: Stanley*)

SB 1149 DCJS; training standards, recognition of and response to post-traumatic stress.

Amends § 9.1-102 of the Code of Virginia to require the Department of Criminal Justice Services to establish training standards and publish and periodically update model policies

for law-enforcement personnel on the effective recognition of and response to stress, trauma, and post-traumatic stress experienced by law-enforcement officers. (*Patron: DeSteph*)

SB 1303 Firearms; chambers of local governing bodies.

Amends § 15.2-915 of the Code of Virginia to allow a locality to adopt an ordinance that prohibits firearms, ammunition, or components or a combination thereof at any regular or special meeting of its local governing body, provided that notice of such prohibition is publicly posted, and the meeting room is owned or operated by the locality. (*Patron: Edwards*)

Health and Human Resources

PASSED LEGISLATION

Health

HB 1663 Restaurants; certified food protection manager, exemption of certain establishments.

Amends §§ 35.1-1 and 35.1-25 of the Code of Virginia to provide that no regulation issued by the Board of Health shall require any restaurant that is operated by (i) a nonprofit civic service organization, (ii) a volunteer fire department, or (iii) a volunteer emergency medical services agency to employ a certified food protection manager, defined as a person who has demonstrated proficiency in food safety issues, regulations, and techniques in maintaining a safe-food environment by passing a test and receiving a certification as part of a program that is accredited by the Board. (*Patron: Edmunds*)

HB 1914 Public health practitioners; requirements for issuing prescriptions, exceptions.

Amends § 54.1-3303 of the Code of Virginia to authorize practitioners contracted by the Department of Health and practitioners employed or contracted by a local health department to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required. Under current law, only employees of the Department of Health are so authorized. Additionally, the bill authorizes a practitioner who is an employee of or contracted by the Department of Health or a local health department, to prescribe Schedule VI antibiotics and antiviral

agents to other persons in close contact with a diagnosed patient without a bona-fide practitioner-patient relationship with the diagnosed patient when emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability. (*Patron: Herring*)

HB 1970 / SB 1221 Telemedicine services; payment and coverage of services.

Amends §§ 32.1-325 and 38.2-3418.16 of the Code of Virginia to require insurers, corporations, or health maintenance organizations to cover medically necessary remote patient monitoring services as part of their coverage of telemedicine services to the full extent that these services are available. The bill defines remote patient monitoring services as the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload. The bill requires the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services. (*Patrons: Kilgore and Chafin*)

Human Trafficking

HB 2576 Sex Trafficking Response Coordinator; created, duties, report.

Adds § 9.1-116.4 to the Code of Virginia to create, within the Department of Criminal Justice Services, a Sex Trafficking Response Coordinator who shall (i) create a statewide plan for local and state agencies to identify and respond to victims of sex trafficking; (ii) coordinate the development of standards and guidelines for treatment programs for victims of sex trafficking; (iii) maintain a list of programs that provide treatment or specialized services to victims of sex trafficking and make such list available to law-enforcement agencies,

attorneys for the Commonwealth, crime victim and witness assistance programs, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions; (iv) oversee the development of a curriculum to be completed by persons convicted of solicitation of prostitution; and (v) promote strategies for the awareness of sex trafficking, for education and training related to sex trafficking, and for the reduction of demand for commercial sex. The bill requires the Coordinator to report annually to the Governor and the General Assembly and include a summary of activities for the year and any recommendations to address sex trafficking within the Commonwealth. (*Patrons: Krizek and Vogel*)

HB 2597 / SB 1661 Child abuse and neglect; report or complaint, victims of sex trafficking, etc.

Amends §§ 63.2-1508 and 63.2-1517 of the Code of Virginia to require a local department of social services to conduct a sex trafficking assessment upon receiving a complaint of suspected child abuse that is based upon information and allegations that a child is a victim of sex trafficking, provided that the local department has not determined that a separate investigation or family assessment is required. The bill also allows a child-protective services worker of a local department responding to such complaint to take the child victim into custody and allows the local department to maintain custody of the child for up to 72 hours without prior approval of a parent or guardian. (*Patrons: Herring and Peake*)

Medical and Behavioral Health Care in Jails

HB 1918 / SB 1598 Corrections, Board of; minimum standards for health care services in local correctional facilities.

Amends § 53.1-5 of the Code of Virginia to authorize the Board of Corrections to establish minimum standards for health care services in local, regional, and community correctional facilities and procedures for enforcing such

minimum standards, with the advice of and guidance from the Commissioner of Behavioral Health and Developmental Services and State Health Commissioner. The bill provides that (i) such standards shall require that each local, regional, and community correctional facility submit a standardized quarterly continuous improvement report documenting the delivery of health care services, along with any improvements made to those services, to the Board and (ii) such reports shall be available to the public on the Board's website. The bill also authorizes the Board to determine that a local, regional, or community correctional facility accredited by the American Correctional Association or National Commission on Correctional Health Care meets such minimum standards solely on the basis of such accreditation; however, without exception, the requirement to submit standardized quarterly continuous quality improvement reports shall be a mandatory minimum standard. (*Patrons: Stolle and Dunnavant*)

HB 1933 Prisoners; medical and mental health treatment of those incapable of giving consent.

Amends §§ 17.1-406, 17.1-410, and 37.2-803 of the Code of Virginia and adds §§ 53.1-133.04 and 53.1-133.05 to establish a process for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner in such facility who is incapable of giving informed consent for such treatment. The bill requires the court to authorize such treatment in a facility designated by the sheriff or administrator upon finding that the prisoner is incapable, either mentally or physically, of giving informed consent; that the prisoner does not have a relevant advanced directive, guardian, or other substitute decision maker; that the proposed treatment is in the best interests of the prisoner; and that the jail has sufficient medical and nursing resources available to safely administer the treatment and respond to any adverse side effects that might arise from the treatment. The bill provides that the treatment

ordered may be provided within a local or regional correctional facility if such facility is licensed to provide such treatment. If statutory procedures are followed, the service provider does not have liability based on lack of consent or lack of capacity to consent unless there is injury or death resulting from gross negligence or willful and wanton misconduct. *(Patron: Hope)*

HB 1942 Behavioral health services; exchange of medical and mental health information and records.

Amends §§ 53.1-40.10, 53.1-68, and 53.1-133.03 of the Code of Virginia to authorize the State Board of Corrections to establish minimum standards for behavioral health services in local correctional facilities, including (i) requirements for behavioral health screening and assessment for all individuals committed to local correctional facilities, the delivery of behavioral health services in local correctional facilities, and the sharing of medical and mental health information and records concerning individuals committed to local correctional facilities; (ii) requirements for discharge planning for individuals with serious mental illness; (iii) requirements for at least one unannounced annual inspection of each local correctional facility to determine compliance; and (iv) provisions for billing the sheriff in charge of a local correctional facility or superintendent of a regional correctional facility by a community services board that provides behavioral health services in the local or regional correctional facility. The bill also allows the person in charge of a state, regional, or local correctional facility, or his designee, to receive from a health care provider medical and mental health information and records concerning a person committed to such correctional facility, even when such committed person does not provide consent or consent is not readily obtainable, under certain circumstances. The bill clarifies that the administrative personnel of a state, regional, or local correctional facility may receive medical and mental health information and records

from any health care provider concerning any person committed to such correctional facility as necessary to maintain the safety of the facility, its employees, or other prisoners. The provisions regarding requirements for discharge planning take effect July 1, 2020. *(Patron: Bell, Robert B.)*

HB 2213 Medical/mental health information/records of person committed to jail; local probation officers.

Amends § 53.1-133.03 of the Code of Virginia to add local probation officers to the list of persons among whom the medical and mental health information and records of any person committed to jail, and transferred to another correctional facility, may be exchanged. *(Patron: Heretick)*

SB 1644 Health information; sharing between community services bds. & jails.

A Section One bill that directs the Department of Behavioral Health and Developmental Services (DBHDS) to convene a work group to study the issue of and develop a plan for sharing protected health information of individuals with mental health treatment needs who have been confined to a local or regional jail in the Commonwealth and who have previously received mental health treatment from a community services board or behavioral health authority in the Commonwealth. *(Patron: Boysko)*

SB 1772 Pregnant prisoners; use of restraint.

A Section One bill that requires the Board of Corrections to review its standards related to allowable restraint practices for pregnant prisoners to ensure that (i) pregnant prisoners are treated humanely and restrained in a manner that accounts for their specific health needs and (ii) such restraint procedures provide adequate protection for the safety of correctional staff and others who may be in close proximity to such prisoners. *(Patron: Saslaw)*

Mental Health

SB 1488 State hospital for individuals w/ mental illness; SHHR to examine cause of high census at hospital.

A Section One bill that directs the Secretary of Health and Human Resources to convene a stakeholder workgroup to examine the causes of the high census at the Commonwealth's state hospitals for individuals with mental illness and the potential impact of certain policy changes, such as extending the time frame during which an emergency custody order remains valid, revising security requirements to allow custody of a person who is the subject of an emergency custody order to be transferred from law enforcement to a hospital emergency department, diverting individuals who are the subject of an emergency custody order from hospital emergency departments to other more appropriate locations for medical and psychological evaluations, and preventing unnecessary use of hospital emergency department resources by improving the efficiency of the evaluation process. *(Patron: Hanger)*

SJ 301 Mental Health Services in the Commonwealth in the 21st Century; Joint Subcommittee Studying, continued.

Continues the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century for two additional years, through December 1, 2021. *(Patron: Deeds)*

Older Adults and Individuals with Disabilities

HB 1815 Assisted living facilities; emergency electrical power source, disclosure to prospective residents.

Amends § 63.2-1805 of the Code of Virginia to direct the State Board of Social Services to adopt regulations that require assisted living facilities to disclose to each prospective resident, or his legal representative, in writing whether the facility has an on-site emergency

electrical power source for the provision of electricity during an interruption of the normal electric power supply and, if the assisted living facility does have an on-site emergency electrical power source, (i) the items for which such on-site emergency electrical power source will supply power in the event of an interruption of the normal electric power supply and (ii) whether staff of the assisted living facility have been trained to maintain and operate such on-site emergency electrical power source to ensure the provision of electricity during an interruption of the normal electrical power supply. The bill also provides that an on-site emergency electrical power source shall include both permanent on-site emergency electrical power sources and portable on-site emergency electrical power sources, provided such portable on-site emergency electrical power source remains on the premises of the assisted living facility at all times. *(Patron: Hope)*

HB 1812 DMAS; waiver eligibility criteria, dependents of foreign service members.

A Section One bill directing the Department of Medical Assistance Services to amend eligibility criteria for the Community Living waiver and the Family and Individual Support waiver to allow the dependent of a foreign service member to maintain his position on the waiting list following a transfer of the foreign service member to an assignment outside the Commonwealth, so long as the foreign service member maintains the Commonwealth as his legal residence to which he intends to return following completion of the assignment. *(Patron: Hope)*

HB 1987 / SB 1490 Aged or incapacitated adults; financial exploitation, authority to refuse transactions.

Amends § 63.2-1606 of the Code of Virginia to authorize financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds, regardless of whether such staff has reported suspected financial exploitation, if the financial

institution staff (i) believes in good faith that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult or (ii) makes, or has actual knowledge that another person has made, a report to the local department of social services or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult. The measure authorizes such staff, to the extent permitted by law, to report any information or records relevant to an investigation. The bill provides liability protections for the financial institution and its staff. *(Patrons: Toscano and Obenshain)*

HB 2017 / SB 1286 Auxiliary grants; supportive housing.

Amends § 51.5-160 of the Code of Virginia to allow individuals receiving auxiliary grants to select supportive housing without any requirement that such individuals wait until their first or any subsequent annual reassessment to make such selection. The bill directs the Commissioner for Aging and Rehabilitative Services to (i) promulgate regulations to implement the provisions of the bill within 180 days of its enactment and (ii) develop guidance documents for implementation of the provisions of the bill no later than February 1, 2020. The bill establishes that the number of auxiliary grant recipients in the supportive housing setting shall not exceed 90 and provides that if the waiting list for supportive housing for auxiliary grant recipients maintained by the Department of Behavioral Health and Developmental Services consists of 30 individuals or more on October 1, 2020, then the maximum number of auxiliary grant recipients in supportive housing shall be increased to 120. *(Patrons: Peace and Barker)*

HB 2225 Financial exploitation of adults; reporting by financial institution staff.

Amends § 63.2-1606 of the Code of Virginia to provide that any financial institution staff who suspects that an adult has been financially

exploited may provide supporting information and records to the local department of social services or the adult protective services hotline, in addition to reporting such suspected exploitation to such local department or such hotline provided for under current law.

(Patron: O'Quinn)

HB 2306 / SB 1485 Long-Term Employment Support Services and Extended Employment Services; referral.

Amends § 51.5-169.1 of the Code of Virginia and adds § 51.5-169.2 to direct the Department for Aging and Rehabilitative Services to make referrals to any employment services organization that provides competitive or commensurate wages and is eligible to receive state-funded Long-Term Employment Support Services or Extended Employment Services. The bill also requires the Department to develop and implement a referral process for individuals who make an informed choice to pursue an employment outcome that is not considered a competitive integrated employment setting by the Department. The bill also establishes the Employment Service Organization Steering Committee as an advisory board in the executive branch of state government. The bill provides that the purpose of the Committee shall be to report to and advise the Commissioner for Aging and Rehabilitative Services on policy, funding, and the allocation of funds to employment services organizations for Long-Term Employment Support Services and Extended Employment Services. *(Patrons: Landes and Hanger)*

HB 2474 Long-term care; expediting review of applications, report.

Amends § 32.1-330 of the Code of Virginia to direct the Department of Medical Assistance Services (DMAS) to report annually by August 1 to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health regarding (i) the number of screenings for eligibility for community-based and institutional long-term care services conducted by DMAS or the public or private

entity with which DMAS has entered into a contract to conduct such screenings and (ii) the number of cases in which DMAS or the public or private entity with which DMAS has entered into a contract to conduct such screenings fails to complete such screenings within 30 days.

(Patron: Torian)

HB 2560 / SB 1224 Protective services; adult abuse and exploitation, multidisciplinary teams.

Amends §§ 2.2-3705.7, 2.2-3711, 15.2-1627.5, and 63.2-1605 of the Code of Virginia to authorize local departments of social services to foster, when practicable, the creation, maintenance, and coordination of hospital and community-based multidisciplinary teams focused on the abuse and exploitation of adults 60 years of age or older or 18 years of age or older who are physically or mentally incapacitated. The bill provides that such teams may: (i) assist the local department of social services in identifying abused, neglected, and exploited adults; (ii) coordinate medical, social, and legal services for abused, neglected, and exploited adults and their families; (iii) develop innovative programs for detection and prevention of the abuse, neglect, and exploitation of adults; (iv) promote community awareness and action to address adult abuse, neglect, and exploitation; and (v) disseminate information to the general public regarding the problem of adult abuse, neglect, and exploitation, strategies and methods for preventing such abuse, and treatment options for abused, neglected, and exploited adults. The bill also allows the attorney for the Commonwealth in each jurisdiction to establish a multidisciplinary team to review cases of abuse, neglect, and exploitation of adults.

(Patrons: Pillion and Chafin)

SB 1135 Community Living Waiver wait list; child identified as having a developmental disability.

A Section One bill that directs local departments of social services to notify the appropriate community services board as soon as it is known that a child in the foster

care system has a developmental disability so that the community services board may screen the child for placement on the Family and Individual Supports waiver waiting list.

(Patron: Favola)

SB 1144 Guardianship; annual report filed by guardian.

Amends § 64.2-2020 of the Code of Virginia to provide that, upon receiving notice from the local department of social services that a guardian has not filed the required annual report within the prescribed time limit, the court may issue a summons or rule to show cause why the guardian has failed to file such report.

(Patron: Peake)

SB 1509 Southwestern Virginia Training Center; disposition of property in Carroll County.

A Section One bill that provides that the Commonwealth shall work with representatives of Carroll and Grayson Counties and the City of Galax, as well as other stakeholders, to develop a plan for the conveyance, sale, or other disposition of the property for the purpose of housing children requiring foster care or as a juvenile residential treatment facility. Any disposition of the property is subject to approval by the General Assembly; however, the restriction on disposition of the property expires on July 1, 2021.

(Patron: Carrico)

Social Services

HB 1622 Child abuse or neglect; out-of-court and recorded statements made by a child.

Amends §§ 63.2-1522 and 63.2-1523 of the Code of Virginia to provide that, in any civil proceeding involving the alleged abuse or neglect of a child, an out-of-court statement made by a child 14 years of age or younger at the time the statement is offered into evidence describing sexual acts with or on the child by another may be admissible. The bill further provides that in any such civil proceeding, a recorded statement of the alleged victim of the abuse or neglect, made prior to the

proceeding, may be admissible if the alleged victim is 14 years of age or younger at the time the statement is offered into evidence. Under current law, such out-of-court and recorded statements may be admissible when the child is 12 years of age or younger. *(Patron: Collins)*

HB 1627 Child welfare agencies; Commissioner of Social Services shall prioritize inspection of agencies.

Adds § 63.2-1706.1 to the Code of Virginia to require the Commissioner of Social Services to prioritize inspections of child welfare agencies in the following order: (i) inspections conducted in response to a complaint; (ii) inspections of licensed or registered child welfare agencies; (iii) inspections of license-exempt or unlicensed child welfare agencies that have entered into a contract with the Department of Social Services or a local department to provide child care services funded by the Child Care and Development Block Grant; and (iv) inspections of license-exempt and unlicensed child welfare agencies. *(Patron: Orrock)*

HB 1659 / SB 1257 Child abuse and neglect; mandatory reporters.

Amends § 63.2-1509 of the Code of Virginia to add to the list of persons who are required to report suspected child abuse or neglect ministers, priests, rabbis, imams, and duly accredited practitioners of any religious organization or denomination usually referred to as a church; however, the bill exempts such clergy members from the mandatory reporting requirement when the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept confidential or (ii) would be subject to the exemptions set forth in § 8.01-400 or 19.2-271.3 if offered as evidence in court. *(Patrons: Delaney and Vogel)*

HB 1671 Child abuse and neglect; investigation of an individual by local boards of social services.

Amends § 63.2-1505 and 63.2-1506 of the

Code of Virginia to require local boards of social services, when investigating an individual who is the subject of child abuse or neglect allegations or the subject of a family assessment, to determine whether such individual has resided in another state within at least the preceding five years and, if he has resided in another state, to request a search of the child abuse and neglect registry or equivalent registry maintained by such state. *(Patron: Mullin)*

HB 1728 / SB 1139 Post-adoption contact & communication agreements; authority to enter into agreements.

Amends §§ 16.1-283.1 and 63.2-1220.2 of the Code of Virginia to provide that a local board of social services or child welfare agency required to file a petition for a permanency planning hearing may inform the birth parents and shall inform the adoptive parents that they may enter into enter into a post-adoption contact and communication agreement. The bill further provides that such local board of social services or child welfare agency shall inform the child if he is 14 years of age or older that he may consent to such an agreement. *(Patrons: Reid and Favola)*

HB 1730 / SB 1253 Foster care; security freeze on credit report.

Amends § 63.2-905.2 of the Code of Virginia to require local departments of social services to request the placement of a security freeze on the credit report or record of any child who has been in foster care for at least six months in order to prevent cases of identity theft and misuse of personal identifying information. The bill directs a local department to request the removal of such security freezes (i) upon the child's removal from foster care, (ii) upon the child's request if the child is at least 18 years of age, or (iii) upon a determination that doing so would be in the best interest of the child. The bill requires the local department to conduct annual credit checks on all such children between the ages of 14 and 18. *(Patrons: Brewer and Reeves)*

HB 1819 Child support enforcement; fees.

Amends § 63.2-1904 of the Code of Virginia to raise from \$25 to \$35 the fee charged by the State Board of Social Services to individuals who authorize the Department of Social Services to enforce child support obligations but who have never received assistance pursuant to the Temporary Assistance for Needy Families program. The bill provides that such fee shall be collected and retained from the amount of child support collected annually in excess of \$550. *(Patron: Delaney)*

HB 1871 / SB 1145 Virginia Initiative for Employment Not Welfare (VIEW); transitional child care.

Amends § 63.2-611 of the Code of Virginia to allow VIEW participants whose Temporary Assistance for Needy Families financial assistance is terminated to receive child care assistance for up to 12 months after termination if the individual is enrolled in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia and is taking courses as part of a curriculum that leads to a postsecondary credential. Under current law, such child care assistance is only available if it enables the individual to work. *(Patrons: Jones, J. and Favola)*

HB 1883 Motor vehicle insurance policies; foster parents and foster children.

Amends §§ 38.2-2212 and 38.2-2213 of the Code of Virginia to prohibit an insurer from refusing to issue or failing to renew a motor vehicle insurance policy solely because of the status of the applicant or policyholder, as applicable, as a foster care provider or a person in foster care. *(Patron: Keam)*

HB 1953 / SB 1416 Child abuse or neglect; appeals from founded complaints, concurrent criminal investigations.

Amends § 63.2-1526 of the Code of Virginia to provide that whenever an appeal of a finding

by a local department of social services is made and a criminal investigation is also commenced against the appellant for the same conduct involving the same victim as investigated by the local department, the appeal process shall automatically be stayed until the criminal investigation is closed or, in the case of a criminal investigation that is not completed within 180 days of the appellant's request for an appeal, for 180 days. *(Patrons: Campbell, J.L., Mason)*

HB 2108 Foster care agreements; rights of foster parent, dispute resolution.

Amends §§ 63.2-902 and 63.2-904 of the Code of Virginia to direct the Department of Social Services to promulgate emergency regulations to ensure collaboration, communication, access, and transparency between the local boards and licensed child-placing agencies and foster parents. The bill also directs local boards of social services and licensed child-placing agencies to implement and publicize a dispute resolution process through which a foster parent may contest an alleged violation of such regulations by the local board or licensed child-placing agency. *(Patron: Bell, Richard P.)*

HB 2005 Temporary Assistance for Needy Families (TANF); eligibility.

Amends § 63.2-602 of the Code of Virginia to make eligible for TANF any person who is between the ages of 18 and 19 years old and a full-time student in a secondary school or in the equivalent level of career and technical education. Under current law, such persons are eligible for TANF if regularly attending, and expected to graduate from prior to turning 19 years of age, a secondary school or the equivalent level of career and technical education. *(Patron: Aird)*

HB 2014 / SB 1679 Family First Prevention Services Act; statutory alignment.

Amends §§ 16.1-228, 16.1-281 through 16.1-282.2, and 63.2-100 of the Code of Virginia and adds § 63.2-906.1 to align the Code of Virginia with the Family First Prevention

Services Act of 2018. **SB 1678** (Mason) aligns the Code of Virginia with the background check requirements in the Family First Prevention Services Act for employees of, volunteers at, and contractors providing services to juveniles at children's residential facilities. (*Patrons: Peace and Mason*)

HB 2208 Adoption by relative; expands the applicability of procedures.

Amends § 63.2-1242.1 of the Code of Virginia to expand the applicability of adoption procedures for a child's close relatives to all of the child's adult relatives, including stepparents, stepbrothers or stepsisters, and all other adult relatives of the child by marriage or adoption. (*Patron: Brewer*)

HB 2339 Taxation, Department of; sharing information with the Department of Social Services.

Amends § 58.1-3 of the Code of Virginia to authorize the Department of Taxation to share certain specified tax information with the Department of Social Services as necessary to administer public assistance and social services benefits or child support services. (*Patron: Roem*)

HB 2464 Child victims and witnesses; testimony, using two-way closed-circuit television.

Amends § 18.2-67.9 of the Code of Virginia to allow a court to order, upon application by the attorney for the Commonwealth or the defendant, that the testimony of a child victim of an offense of commercial sex trafficking or prostitution, if such child is 14 years of age or younger at the time of the offense and 16 years of age or younger at the time of the trial, be taken by two-way closed-circuit television. The bill allows the same for child witnesses of such offenses who are 14 years of age or younger at the time of the trial. (*Patron: Collins*)

HB 2542 Parental or legal custodial powers; delegation of powers, child-placing agency.

Amends §§ 63.2-100 and 63.2-1715 and adds §§ 20-166 and 20-167 to allow a parent

or legal custodian of a minor to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a period not exceeding 180 days. The bill provides that a parent or legal custodian who is a service member, as defined in the bill, may delegate such powers for a period of longer than 180 days while on active duty service, but specifies that such a period is not to exceed such active duty service plus 30 days. The bill provides that any such power of attorney shall be signed by all persons with authority to make decisions concerning the child, the person to whom powers are delegated under the power of attorney, and a representative of a licensed child-placing agency that assists parents and legal guardians with the process of delegating parental and legal custodial powers of their children. The bill specifies that such licensed child-placing agency will be subject to background checks and must develop and implement written policies for certain services and provide staff and provider training. The bill further requires that any person to whom any such powers are delegated shall comply with background check requirements established by regulations of the Board of Social Services or otherwise provided by law. (*Patron: Byron*)

HB 2622 Removal of a child; names and contact information of relatives or other interested individuals.

Amends §§ 16.1-251, 16.1-252, 16.1-277.01, 16.1-277.02, 16.1-278.2, 16.1-278.3, and 16.1-283 of the Code of Virginia and adds § 16.1-229.1 to provide that, in any proceeding in which a child is removed from his home, the court may order the parents or guardians of such child to provide the names and contact information for all persons with a legitimate interest to the local department of social services. (*Patron: Austin*)

HB 2743 Child protective services; investigations and family assessments, contact information.

Amends §§ 63.2-1505 and 63.2-1506 of the Code of Virginia to require any individual

who is the subject of a child abuse or neglect investigation or family assessment to notify the local department of social services prior to changing his place of residence and provide the local department with the address of his new residence. The bill also requires the Department of Social Services to document and report to the Governor and the General Assembly by November 1, 2020, the number of individuals who notified a local department of social services of a change in address and provided updated contact information between July 1, 2019, and July 1, 2020. (*Patron: Morefield*)

HB 2756 Child day programs; licensure exemption.

Amends § 63.2-1715 to exempt from licensure any child day program in which child-minding services are offered on the premises of a business for no more than four children under the age of 13 at any given time and for no more than eight hours per day, provided that the parent or guardian of every child receiving care is an employee of the business who is on the premises of the business and can resume responsibility for the child's supervision within 30 minutes upon request. (*Patron: Miyares*)

HB 2758 / SB 1720 Kinship foster care; notice to relatives.

Amends § 63.2-900.1 of the Code of Virginia to require local boards of social services, when identifying foster care placement options, to take all reasonable steps to (i) determine whether the child has any relatives who may be eligible to become a kinship foster parent, (ii) provide notice to such relatives of their potential eligibility to become a kinship foster parent, and (iii) explain to such relatives any opportunities they may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship. (*Patrons: Carroll Foy and Mason*)

SB 1339 Foster care; numerous changes to laws governing provision of services in the Commonwealth.

Amends §§ 63.2-209, 63.2-900, 63.2-900.1, 63.2-904, 63.2-906, and 63.2-907 of the Code of Virginia and adds §§ 63.2-904.1, 63.2-904.2, and 63.2-913.1 to make numerous changes to the laws governing the provision of foster care services in the Commonwealth. Among other provisions, the bill (i) allows the Commissioner of Social Services to develop and implement a corrective action plan for or assume temporary control over the foster care services of a local board of social services upon determining that the local board (a) has failed to provide foster care services or make placement and removal decisions in accordance with applicable laws or regulations or (b) has taken any action that poses a substantial risk to the health, safety, or well-being of any child under its supervision and control; (ii) requires the Commissioner to create within the State Department of Social Services (the Department) a foster care health and safety director position; (iii) directs the Commissioner to establish and maintain a confidential hotline to receive reports and complaints from foster parents and other persons regarding violations of laws or regulations applicable to foster care and any other matters related to the health, safety, or well-being of children in foster care; (iv) directs the Department to develop and implement a more reliable, structured, and comprehensive case review and quality improvement process to monitor and improve foster care services provided by local boards and departments of social services; and (v) requires the Department to establish and update annually a caseload standard that limits the number of foster care cases that may be assigned to each foster care caseworker. (*Patron: Reeves*)

SB 1407 Child care providers; fingerprint background checks.

Amends §§ 63.2-1720.1 and 63.2-1721.1 to allow local law-enforcement agencies to

process and submit requests for national fingerprint background checks for employees and volunteers of child day programs operated by a local government. The bill has a delayed effective date of July 1, 2020. *(Patron: Mason)*

Substance Abuse

HB 1743 / SB 1405 Pharmacist; counseling for new prescriptions, disposal of medicine

Amends § 54.1-3319 of the Code of Virginia to allow a pharmacist to include information regarding the proper disposal of medicine when giving counsel to a person who presents a new prescription for filling. *(Patrons: Bulova and Dance)*

HB 1878 Naloxone; possession and administration by regional jail employees.

Amends § 54.1-3408 of the Code of Virginia to add employees of regional jails to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program. *(Patron: Garrett)*

HB 2045 Recovery residences; certification by Department of Behavioral Health and Developmental Services.

Adds § 37.2-431.1 to the Code of Virginia to provide for the promulgation of regulations for the certification of recovery residences by the Department of Behavioral Health and Developmental Services. The bill defines “recovery residence” as a housing facility that provides alcohol-free and illicit-drug-free housing to individuals with substance abuse disorders and individuals with co-occurring mental illnesses and substance abuse disorders that does not include clinical treatment services. The bill prohibits any person from advertising, representing, or otherwise implying to the public that a recovery residence or other housing facility is a certified recovery residence unless it is certified by the Department. *(Patron: Hurst)*

HB 2158 Naloxone; expands list of individuals who may dispense.

Amends § 54.1-3408 to expand the list of individuals who may dispense naloxone pursuant to a standing order to include health care providers providing services in hospital emergency departments and emergency medical services personnel and eliminates certain requirements. The bill also allows a person who dispenses naloxone on behalf of an organization to charge a fee for the dispensing of naloxone, provided that the fee is no greater than the cost to the organization of obtaining the naloxone dispensed. *(Patron: Plum)*

HB 2318 Naloxone; possession and administration by school nurses and local health department employees.

Amends § 54.1-3408 of the Code of Virginia to add school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and school board, and other school board employees or individuals contracted by a school board to provide school health services to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program. *(Patron: McGuire)*

HB 2558 / SB 1167 Medicaid recipients; treatment involving opioids or opioid replacements, payment.

Adds § 54.1-2910.3:1 to the Code of Virginia to prohibit health care providers licensed by the Board of Medicine from requesting or requiring a patient who is a recipient of medical assistance services to pay out-of-pocket costs associated with the provision of service involving (i) the prescription of an opioid for the management of pain or (ii) the prescription of buprenorphine-containing products, methadone, or other opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration. The bill requires providers who do not accept

payment from the Department of Medical Assistance Services (DMAS) who provide such services to patients participating in the Commonwealth's program of medical assistance services to provide written notice to such patient that (a) DMAS will pay for such health care services if such health care services meet DMAS's medical necessity criteria and (b) the provider does not participate in the Commonwealth's program of medical assistance and will not accept payment from DMAS for such health care services. Such notice and the patient's acknowledgement of such notice shall be documented in the patient's medical record. *(Patrons: Pillion and Chafin)*

HB 2559 Electronic transmission of certain prescriptions; exceptions.

Amends §§ 54.1-3408.02, and 54.1-3410 of the Code of Virginia to provide certain exceptions, effective July 1, 2020, to the requirement that any prescription for a controlled substance that contains an opioid be issued as an electronic prescription. The bill requires the licensing health regulatory board of a prescriber to grant such prescriber a waiver of the electronic prescription requirement for a period not to exceed one year due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances demonstrated by the prescriber. The bill requires the Boards of Medicine, Nursing, Dentistry, and Optometry to promulgate regulations to implement the prescriber waivers. Finally, the bill requires the Secretary of Health and Human Resources to convene a work group to identify successes and challenges of the electronic prescription requirement and offer possible recommendations for increasing the electronic prescribing of controlled substances that contain an opioid and to report to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022. *(Patron: Pillion)*

HB 2563 Drug paraphernalia and controlled paraphernalia; fentanyl testing products.

Amends §§ 18.2-265.1 and 54.1-3466 of the Code of Virginia to clarify that narcotic testing products used to determine whether a controlled substance contains fentanyl or a fentanyl analog are not drug paraphernalia or controlled paraphernalia. *(Patron: Robinson)*

SB 1436 Child abuse or neglect; prenatal substance exposure, mandatory reporters.

Amends § 63.2-1509 of the Code of Virginia to require any licensed hospital, whenever a health care provider in such hospital reports suspected child abuse or neglect resulting from prenatal substance exposure, to require the development of a written discharge plan that includes, among other things, appropriate treatment referrals and notice to the community services board of the jurisdiction in which the mother resides for the appointment of a discharge plan manager. The bill provides that such reports shall not constitute a per se finding of child abuse or neglect. *(Patron: McClellan)*

FAILED LEGISLATION

HB 1619 Children's Services Act; special education programs.

Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school program but for the availability of the public school program. *(Patron: Thomas)*

HB 2188 Social services, local departments of; bonuses for their officers, etc.

Allows local departments of social services to provide for the payment of monetary bonuses to their officers and employees upon the approval of the local board of social services. The bill provides that such bonuses shall be paid wholly from the funds of the locality and any federal funds that are available and appropriate for such use. (*Patron: Kilgore*)

HB 2280 Child day programs; exemptions from licensure.

Adds to the list of programs that are not considered child day programs and are not subject to licensure (i) programs of recreational activities offered by a local government, staffed by local government employees, and attended by school-age children and (ii) programs offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division. Under law that takes effect July 1, 2019, such programs are considered child day programs that are exempt from licensure and subject to certain health and safety requirements administered by the Department of Social Services. Under the provisions of the bill, however, such child day programs shall remain subject to safety and supervisory standards established by the local government or school division offering the program. (*Patron: Head*)

HB 2408 Students with disabilities; feasibility of educational placement transition of certain students.

Requires the Department of Education to develop and implement a pilot program in two local school divisions in the Commonwealth to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is

educated in a private school setting pursuant to his individualized education program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. (*Patron: Adams, L.R.*)

HB 2666 / SB 1489 Law enforcement; DCJS to establish training standards and model policies.

Requires the Department of Criminal Justice Services to establish training standards and publish and periodically update model policies for law-enforcement personnel for sensitivity to and awareness of persons experiencing behavioral health or substance abuse crises. (*Patrons: Bell, Robert B. and Deeds*)

HB 2710 Emergency custody orders and preliminary detention orders; transportation, reimbursement.

Provides coverage for the transportation of a covered person subject to an emergency custody order or a temporary detention order, any law-enforcement agency providing such transportation services to such covered person shall receive reimbursement for such services directly from the health carrier issuing such plan, when the health carrier is presented with an assignment of benefits by the law-enforcement agency providing such services. The bill limits such reimbursement to \$35 per hour and mileage as prescribed by law for travel on state business for every mile of actual travel. (*Patron: Campbell, J.L.*)

SB 1071 Central Virginia Training Center; closure prohibited.

Provides that the Central Virginia Training Center shall not be closed and shall instead remain open. (*Patron: Peake*)

SB 1104 Community policy and management teams; use of funds.

Provides that the state pool of funds for community policy and management teams may be used for wrap-around services, as defined in the Policy Manual of the Children's Services Act and subject to specific appropriation, that are provided in a public school setting. (*Patron: Peake*)

SB 1226 Community paramedics; State Board of Health to adopt regulations governing practice.

Requires the State Board of Health to adopt regulations governing the practice of community paramedics. The bill requires an applicant for licensure as a community paramedic to submit certain evidence of certification and training. The bill requires a community paramedic to practice in accordance with protocols and supervisory standards established by an operational medical director and to provide services only as directed by a patient care plan developed by the patient's physician, nurse practitioner, or physician assistant and approved by the community paramedic's supervising operational medical director. (*Patron: Chase*)

SB 1570 Adult protective services; creates central registry.

Creates a central registry of founded complaints of adult abuse, neglect, and exploitation to be maintained by the State Department of Social Services. (*Patron: Lewis*)

SB 1576 DOE; pilot program, placement transition of certain students.

Directs the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the

Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. The bill requires the Department of Education to make a report to the Governor, the Senate Committees on Education and Health and Finance, and the House Committees on Education and Appropriations on the findings of each pilot program after two and four years. The provisions of the bill are contingent on funding in a general appropriation act. (*Patron: Suetterlein*)

Transportation

PASSED LEGISLATION

HB 1786 Vehicles on sidewalks; use of power-driven mobility devices.

Amends § 46.2-903 of the Code of Virginia, relating to vehicles on sidewalks. Clarifies that any public entity may allow “other power-driven mobility devices,” as defined in the bill, to be ridden or driven on sidewalks in accordance with the Americans with Disabilities Act and other state and federal laws. (*Patron: Hurst*)

HB 1818 / SB 1044 Parking ordinances; enforcement by counties or towns with a population of at least 40,000.

Amends § 46.2-1220 of the Code of Virginia, relating to parking ordinances; enforcement. Authorizes any county or town with a population of at least 40,000 to provide by ordinance that law-enforcement officers, other uniformed employees of the locality, and uniformed personnel under contract with the locality may issue a summons or parking ticket for a violation of the locality’s ordinances or regulations regarding the parking, stopping, or standing of vehicles. Current law creates such authority for any city with a population of at least 40,000. (*Patrons: Black and Delaney*)

HB 1865 / SB 1567 Towing fees; sets maximum towing hookup and initial towing fees.

Amends § 46.2-1233 of the Code of Virginia, relating to towing fees. Provides that localities in Planning District 8 and Planning District 16 shall establish by ordinance a hookup and initial towing fee of no less than \$135 and no more than \$150. Current law authorizes such localities to set the hookup and initial towing fee at \$135. (*Patron: Fowler*)

HB 1983 Rail Enhancement Fund; matching funds.

Amends § 33.2-1601 of the Code of Virginia, relating to Rail Enhancement Fund; matching funds. Provides that federal funds for freight rail projects may be used to satisfy the requirement that any project funded by the Rail Enhancement Fund include at least 30 percent matching funds from a private source. Under current law, the matching funds requirement may be met using funds from private businesses, railroads, regional authorities, and local governments. (*Patron: Stolle*)

HB 2033 Turns into or out of certain residential areas; resident permits.

Amends the Code of Virginia by adding a section numbered 15.2-2022.1, relating to turns into or out of certain residential areas; resident permits. Allows counties that operate under the urban county executive form of government (Fairfax County) by ordinance to develop a program to issue permits or stickers to residents of a designated area that will allow such residents to make turns into or out of the designated area during certain times of day where such turns would otherwise be restricted. (*Patron: Murphy*)

HB 2212 Certain private roads or rights-of-way; gates and fences.

Amends § 33.2-110 of the Code of Virginia, relating to certain private roads or rights-of-way; gates and fences. Removes the requirement that a petitioner prove that a gate was willfully and maliciously erected in order for a court to require a landowner to make necessary and reasonable changes to a gate erected by such landowner across a private road or right-of-way owned by another person. The bill clarifies that this does not prohibit the replacement of a gate with a cattle guard as authorized by current law. (*Patron: Fariss*)

HB 2313 Comprehensive highway access management standards; highway access projects.

Amends § 33.2-245 of the Code of Virginia, relating to comprehensive highway access management standards. Requires the Commissioner of Highways to require any official who approves a highway access project to certify such project's consistency with the comprehensive highway access management standards and such official's due diligence in reviewing the project. Identifies a process in regulations for appealing the denial, revocation, or conditions of a permit for a highway access project. (*Patron: Hodges*)

HB 2489 Suspension of tolls; evacuations.

Amends § 33.2-613 of the Code of Virginia, relating to suspension of tolls; evacuations. Requires the Commissioner of Highways to temporarily suspend toll collection operations in affected evacuation zones on routes designated as mass evacuation routes during any mandatory evacuation during a state of emergency. Current law authorizes the Commissioner, in his discretion, to temporarily suspend toll collection operations in cases of emergency and concern for public safety. (*Patron: Jones, J.C.*)

HB 2527 Tolling; prohibited in Northern Virginia.

Amends § 33.2-119 of the Code of Virginia, relating to tolling; Planning District 8. Prohibits the imposition and collection of tolls on any primary highway that is wholly located in Planning District 8 and that was previously classified as a secondary highway and is between 30 and 35 miles in length without prior approval by the General Assembly. (*Patron: Hugo*)

HB 2553 / SB 1680 Mass transit providers; supplemental operating funds.

An Act to hold mass transit providers harmless for certain operating fund losses. Provides that any mass transit provider that incurs a loss in operating funds as a direct result of the performance-based allocation process set forth

in Chapter 854 of the Acts of Assembly of 2018 may be eligible for supplemental operating funds in fiscal year 2020. The maximum amount of supplemental operating funds shall not exceed \$3 million from the non-general fund amounts available to the Department of Rail and Public Transportation. (*Patrons: Thomas and Mason*)

HB 2578 Secondary state highways; six-year plan, public meeting.

Amends § 33.2-331 of the Code of Virginia, relating to six-year plans for secondary state highways; public meeting. Limits the requirement that a governing body with a six-year plan for improving the secondary highway system advertise for and hold a public meeting regarding such plan to only those years in which the county has a proposed new funding allocation greater than \$100,000. (*Patron: Plum*)

HB 2674 / SB 1700 Certificates; notice of filing or recordation.

Amends § 33.2-1020 of the Code of Virginia, relating to certificates; notice of filing or recordation. Clarifies that the Commissioner of Highways will give notice to the owner of a freehold that any certificate will be filed or recorded. Current law references only certificates of deposit. (*Patrons: Freitas and Suetterlein*)

HB 2718 / SB 1716 Interstate 81; Interstate 81 Corridor Improvement Fund created.

Creates an Interstate 81 Committee, tasked with developing and updating a program related to Interstate 81 Corridor safety and improvements, and creates an Interstate 81 Corridor Improvement Fund (Fund). The bill provide revenues for the Fund through the creation of a new registration fee, a diesel tax, a regional gas tax, and a roads tax. The new registration fee would apply to non-passenger vehicles weighing over 10,000 pounds. Additionally, private and for-hire nonpassenger vehicles would pay the existing registration fee at the rate currently paid by for-hire vehicles. Beginning July 1, 2021, a tax at the

rate of 2.03 percent of the statewide average wholesale price of a gallon of diesel fuel would be imposed statewide on the sale of diesel fuel. A regional gas tax, like the tax imposed in the Northern Virginia and Hampton Roads regions, would be applied to the sale of gasoline and diesel at a rate of 2.1 percent of the statewide average price of a gallon of gasoline and diesel fuels. The existing roads tax, currently \$0.035 per gallon of fuel, would be determined annually by the Commissioner by multiplying the average fuel economy (defined in the amendment as the total taxable miles driven in the Commonwealth divided by the total taxable gallons of fuel consumed in the Commonwealth, as reported on International Fuel Tax Agreement Returns) by \$0.01125 for fiscal year 2020, and by \$0.0225 for fiscal year 2021 and each year thereafter. All of the revenues generated by the regional gas tax would be deposited in the Fund. The other new revenues would be apportioned among the Fund, the Northern Virginia Transportation Authority Fund, and Commonwealth Transportation Board for use in other interstate corridors based upon total vehicle miles driven by vehicles classified as Class 6 or higher on Interstate 81, interstates within the boundaries of Planning District 8, and other interstate corridors, respectively, as compared with total vehicle miles driven in on interstates in the Commonwealth by vehicles classified as Class 6 or higher. (*Patrons: Landes and Obenshain*)

HB 2737 Amtrak or intercity passenger rail stations; rail signage.

An Act to direct the Department of Rail and Public Transportation to evaluate rail signage options; report. Directs the Department of Rail and Public Transportation to evaluate the placement and maintenance of highway signs to (i) indicate the presence and direction of nearby Amtrak or intercity passenger rail stations and (ii) promote the use of such services. The bill further directs the Department to evaluate the cost and potential funding sources for such signs and to report its findings to the Secretary of Transportation and the Chairmen of the House and Senate

Committees on Transportation by December 1, 2019. (*Patron: Bagby*)

HB 2752 Motorized skateboards or scooters; clarifies definition, local authority.

Amends §§ 46.2-100, 46.2-800, 46.2-849, 46.2-903, 46.2-904, 46.2-905, 46.2-908.1, 46.2-1015, 46.2-1041, and 46.2-1081 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 46.2 a section numbered 46.2-1315, relating to motorized skateboards or scooters; operation; local authority. Authorizes localities to regulate the operation of companies providing motorized skateboards or scooters for hire. The bill changes the definition of motorized skateboard or scooter by (i) removing the requirement that such device have no seat and requiring that the device be designed to allow a person to stand or sit, (ii) removing the maximum power limits for such device and providing that the device may be powered in whole or in part by an electric motor, (iii) providing that the device has a speed of no more than 20 miles per hour, and (iv) providing that such device weighs less than 100 pounds. The bill makes consistent the operational requirements for motorized skateboards or scooters and similar devices, including (a) allowing motorized skateboards and scooters to be driven on sidewalks, (b) requiring motorized skateboards and scooters driven on a roadway to be driven as close to the right curb as is safely practicable, (c) prohibiting the operation of motorized skateboards or scooters on any Interstate Highway System component, and (d) requiring operators of motorized skateboards and scooters to give hand signals and have lights on such devices. The bill prohibits operating a motorized skateboard or scooter at a speed faster than 20 miles per hour. Certain provisions of this bill have a delayed effective date of January 1, 2020. (*Patron: Pillion*)

HB 2784 / SB 1749 Robert O. Norris Bridge and Statewide Special Structure Fund; created.

Amends § 33.2-214 of the Code of Virginia and to amend the Code of Virginia by adding

in Article 7 of Chapter 15 of Title 33.2 a section numbered 33.2-1532, relating to the Robert O. Norris Bridge and Statewide Special Structure Fund. Establishes the Robert O. Norris Bridge and Statewide Special Structure Fund to be used for the purpose of funding maintenance and replacement of large and unique structures. The bill also requires the Commonwealth Transportation Board to (i) undertake a comprehensive review of the current and future condition of pavements and bridges in the Commonwealth; (ii) dedicate a portion of certain funds to the Robert O. Norris Bridge and Statewide Special Structure Fund; and (iii) evaluate the feasibility of using the Public-Private Transportation Act of 1995 to design, build, operate, and maintain two bridges to replace the Robert O. Norris Bridge on State Route 3 and the Downing Bridge on U.S. Route 360. *(Patrons: Hodges and McDougle)*

HB 2800 / SB 1775 Highways, Commissioner of; report on operation of overweight trucks on highways.

An Act to direct the Commissioner of Highways to report certain data on overweight trucks. Requires the Commissioner of Highways to report annually by December 1 to the Governor, the General Assembly, and the Commonwealth Transportation Board regarding overweight trucks. The bill expires on January 1, 2021. *(Patrons: Garrett and Carrico)*

HB 2805 Parking; access aisles adjacent to parking spaces reserved for persons with disabilities.

Amends § 46.2-1242 of the Code of Virginia, relating to parking; access aisles adjacent to parking spaces reserved for persons with disabilities. Prohibits parking any vehicle in any striped access aisle adjacent to a parking space reserved for persons with disabilities. *(Patron: LaRock)*

HJ 581 Interstate 95 Corridor Improvement Plan; Commonwealth Transportation Board to study.

Requesting the Commonwealth Transportation

Board to study the portion of the Interstate 95 corridor between Exit 118 and the Springfield Interchange and financing options for improvements to the corridor. Report. Requests the Commonwealth Transportation Board to study the portion of the Interstate 95 corridor between Exit 118 and the Springfield Interchange, financing options for improvements to the corridor, and the effect that enhanced transit service would have on mitigating traffic along the corridor. *(Patron: Cole)*

SB 1073 Motor vehicles; removal from roadway when involved in an accident on HOT lane on I-66.

Amends § 46.2-888 of the Code of Virginia, relating to removing motor vehicles from roadway. Requires the driver of a motor vehicle involved in an accident on a high occupancy toll (HOT) lane that is under construction on Interstate 66 to move such motor vehicle to the nearest pull-off area if the driver can safely do so, the vehicle is movable, and there are no injuries or deaths resulting from the accident. The bill provides that such requirement will expire upon the certification by the Secretary of Transportation that the HOT lane construction on Interstate 66 is complete. *(Patron: Marsden)*

SB 1183 Toll facilities, certain; free use by emergency medical services vehicles.

Amends § 33.2-613 of the Code of Virginia, relating to free use of toll facilities; emergency medical services vehicles. Specifies that for the operator of an emergency medical services vehicle to qualify for a toll pass that allows free use of certain toll bridges, toll roads, and other toll facilities in the Commonwealth while in the performance of their official duties, the vehicle must (i) hold a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services and (ii) be equipped, maintained, or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. Current law requires that an emergency medical services vehicle be owned by a political

subdivision of the Commonwealth or a nonprofit association or corporation to qualify for such a toll pass. (*Patron: Stuart*)

SB 1296 Potomac River Bridge Towing Compact; adds several bridges to Compact.

Amends § 46.2-1239.1 of the Code of Virginia, relating to the Potomac River Bridge Towing Compact. Adds the Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, and Point of Rocks Bridge to the Potomac River bridges subject to the Potomac River Bridge Towing Compact to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving the District of Columbia, Maryland, and Virginia appropriate authority anywhere on the bridges. This amendment to the Compact shall not become effective until a substantially similar amendment is enacted by the State of Maryland and the District of Columbia, as provided for in the Compact. (*Patron: Barker*)

SB 1468 Northern Virginia Transportation Authority; analysis of projects.

Amends §§ 33.2-214.3, 33.2-501, 33.2-2500, 33.2-2505, and 33.2-2510 of the Code of Virginia and to repeal § 33.2-257 of the Code of Virginia, relating to the analysis of transportation projects in the Northern Virginia Transportation District. Shifts responsibility from the Department of Transportation to the Northern Virginia Transportation Authority for the evaluation and rating of significant transportation projects in and near Planning District 8. The bill also adds administrative and operating expenses to those expenses that can be paid by the Northern Virginia Transportation Authority Fund. Current law provides that administrative expenses be allocated to the component counties and cities of the Authority. (*Patron: Black*)

SB 1505 Highways, bridges, interchanges, and other transportation facilities; naming, cost of signage.

Amends § 33.2-213 of the Code of Virginia, relating to naming highways, bridges, interchanges, and other transportation

facilities; cost of signage. Provides that for highways, bridges, interchanges, and other transportation facilities named after a state official killed during the performance of his official duties, including State Police officers and state highway transportation workers, the costs of producing, placing, and maintaining naming signage shall be paid for from Commonwealth Transportation Funds. The bill requires that such a naming be requested by the head of the state agency by which the state official was employed. Current law requires the locality in which the highway, bridge, interchange, or other transportation facility is located to pay such costs and request such naming. (*Patron: Carrico*)

SB 1510 Towing; requests made by local law-enforcement officers.

Amends § 46.2-1217 of the Code of Virginia, relating to police-requested towing; local regulation. Provides that only towing requests made by local law-enforcement officers are subject to local ordinances regulating towing services for unattended, abandoned, or immobile vehicles. (*Patron: Carrico*)

FAILED LEGISLATION

HB 2326 Statewide prioritization process; primary evacuation routes.

Adds maintenance of primary evacuation routes to the factors that must be considered by the Commonwealth Transportation Board in the statewide prioritization process, commonly known as SMART SCALE. (*Patron: Brewer*)

HB 2465 Photo-monitoring systems; requirements for localities.

Requires that engineering safety analyses and monthly evaluations conducted by a locality related to traffic light signal photo-monitoring systems, commonly known as red-light cameras, be posted on such locality's website, if available. The bill requires the reporting of certain traffic incident and financial data. The bill requires localities to establish a 15-day probationary period during which only advisory letters are issued for recorded

traffic light signal violations when such a system is implemented or expanded. The bill has a delayed effective date for localities with existing traffic light signal photo-monitoring systems. (*Patron: Collins*)

SB 1014 Interstate 73 Corridor

Development Fund and Program; created.

Establishes the Interstate 73 Corridor Development Fund and Program and reallocates to the I-73 Corridor Development Fund the \$40 million from state recordation taxes that is currently allocated annually to the U.S. Route 58 Corridor Development Fund and Program, which is repealed by the bill. All provisions of the bill are contingent upon the completion of construction of and payments for Route 58. (*Patron: Stanley*)

SB 1535 Uniform Statewide Building Code; outdoor advertising.

Requires the owner of a sign located along an Interstate System highway that has a height that is greater than the distance from such sign to the shoulder edge of the pavement to have such sign periodically inspected for building code compliance. The bill authorizes the Commissioner of Highways to remove any such sign without notice and at the cost of the owner if the sign poses a risk to highway safety or public safety. (*Patron: Surovell*)

VACo Legislative Team

Dean Lynch | dlynch@vaco.org

Jeremy Bennett | jbennett@vaco.org

Katie Boyle | kboyle@vaco.org

Phyllis Errico | perrico@vaco.org

Gage Harter | gharter@vaco.org

Angela Inglett | ainglett@vaco.org

Joe Lerch | jlerch@vaco.org

Chris McDonald | cmcdonald@vaco.org

To read the full text of legislation mentioned in this summary, as well as the legislative history and votes on individual bills, visit the Division of Legislative Services at lis.virginia.gov.