



2020 LEGISLATIVE SUMMARY



Virginia Association of Counties

Virginia Association of Counties
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Vital Statistics from the 2020 Session

	Introduced	Passed	Failed	Vetoed
House Bills	1,734	748	744	2
House Joint Resolutions	510	417	88	0
House Resolutions	219	211	8	0
Senate Bills	1,096	543	430	2
Senate Joint Resolutions	269	223	31	0
Senate Resolutions	83	76	7	0
General Assembly Totals	3,911	2,218	1,308	4

2020 Legislative Priorities

OVERARCHING LEGISLATIVE PRIORITY POSITION

Equal Taxing Authority

Counties provide the same core services, such as public education, human services, and public safety, to their residents as cities and towns, but have limited opportunities to raise revenue. VACo supports granting counties the same authority that is enjoyed by cities and towns to enact local taxes without referendum.

ECONOMIC DEVELOPMENT AND PLANNING

Broadband

VACo urges the Commonwealth to provide adequate financial assistance to counties to build the necessary telecommunications infrastructure to deploy universal affordable access to the internet for all areas, particularly in underserved and rural areas. Additionally, VACo supports legislation that provides additional tools for counties to finance, build and operate open access networks in partnership with commercial internet service providers.

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 supports efforts to continue to restore and protect the Chesapeake Bay but opposes additional nutrient regulations on wastewater treatment facilities that are scientifically unsound, economically unfeasible, or unnecessary for meeting the Commonwealth's goals. 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.

FINANCE

Local Finance

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

GENERAL GOVERNMENT

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 expedited action to address 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 action 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 continuing efforts to replace the regional funding that was redirected from the Northern Virginia Transportation Authority.

State Budget Overview



As of the publication of this report, the biennium budget remains in flux, as the economic upheaval resulting from the COVID-19 pandemic has required most new discretionary spending to be “unallotted” pending a revenue reforecast, which is expected to be completed this summer, along with a special session for the legislature to revise the budget in accordance with the revised projections. The spending pause, proposed by the Governor in his amendments to the budget and agreed to by the legislature at the April 22 reconvened session, reflects the swift decline in recent weeks from the generally healthy economic conditions under which the Governor proposed his introduced budget in December 2019 and the legislature negotiated revisions during the General Assembly session. The Governor had characterized his budget proposal as a “strong, forward-looking budget” that made “generational investments” in key areas such as water quality, broadband, and early childhood and projected General Fund (GF) revenue growth of 4.3 percent in FY 2021 and 3.6 percent in FY 2022. Most of the proposed additional spending has been paused, and the revenue projections are likely to be scaled back this summer. Following is an overview of the budget as of mid-May.

Key Elements of the Budget as Passed by the Legislature with Governor’s Amendments

K-12 Education

- Provides approximately \$800 million over the biennium to fund the biennial rebenchmarking of the Standards of Quality. As of this time, this funding has not been proposed for unallotment.
- Authorizes the Superintendent of Public Instruction to grant temporary flexibility and issue waivers in areas such as accreditation, testing, and reports.
- Modifies Lottery Proceeds funding to establish the Infrastructure and Operations Per Pupil Fund, which would provide \$263 million in FY 2021 and \$266.2 million in FY 2022

to provide the state share of per-pupil payments of \$375.27 the first year and \$378.52 the second year, with each school division receiving at least a \$200,000 payment. Unlike current Lottery Proceeds funding, this language would require local matching funds based on the Composite Index of Local Ability-to-Pay (LCI) in the second year of the biennium and require certain percentages to be used for non-recurring and recurring costs. Language authorizes temporary suspension of these distributions in the event of a shortfall in Lottery revenues.

- Retains school counselor ratios at FY 2020 levels rather than requiring additional staffing as proposed by legislation that passed in 2020.
- Provides \$6.7 million GF in FY 2021 and \$14.3 million in FY 2022 for the state's share of enhancing English Language Learner student-teacher ratios from 17 positions per 1000 students to 18.5 positions per 1,000 students in FY 2021, and to 20 positions per 1,000 students in FY 2022 and thereafter.
- Unallots several proposed early childhood initiatives, including \$650,000 GF in each year of the biennium for Virginia Preschool Initiative classroom observation and professional development; \$35 million GF in FY 2021 and \$48 million GF in FY 2022 to increase the VPI per-pupil allocation, provide additional support for students on wait lists, and create a pilot program for at-risk three-year olds; and \$3 million GF in FY 2021 and \$5 million GF in FY 2022 for recruitment and retention incentives for early childhood educators.
- Directs the Superintendent of Public Instruction to convene a work group to develop a plan to transfer the Child Care Development Fund grant from the Virginia Department of Social Services to the Virginia Department of Education no later than July 1, 2021, as part of legislation enacted this session to consolidate state oversight of early childhood care and education programs.
- Provides \$34,000 GF in each year to establish the Commission on School Construction and Modernization.
- Directs the Department of Education to develop a plan to determine and biennially rebenchmark the allocation of existing regional alternative education program slots to participating school divisions.
- Waives certain staffing standards for several categories of instructional positions the first year only and requires school divisions to report the extent to which these flexibility provisions were utilized. (This language restores waivers for the first year that had been included in the Appropriations Act since 2020 and were proposed to be eliminated in the introduced budget.)
- Unallots proposed "no-loss" funding to localities that would ensure that no school division loses state funding in FY 2021 or FY 2022 relative to the division's FY 2020 distribution.
- Unallots proposed \$5.3 million GF in each year of the biennium that would reduce or eliminate the cost of school breakfast and school lunch for students who are eligible for reduced-price meals.
- Unallots proposed 2 percent salary increase in each year of the biennium (\$94.7 million GF in FY 2021 and \$192.5 million GF in FY 2022 for the state's share of funded Standards of Quality instructional and support positions).
- Unallots \$26.2 million GF in FY 2021 and \$35.2 million GF in FY 2022 that would increase the maximum At-Risk Add-On, which is disbursed to local school divisions based on the estimated number of federal Free Lunch participants and supports programs for students who are educationally at-risk, from 16 percent to 23 percent in FY 2021 and from 16 percent to 26 percent in FY 2022.
- Unallots proposed funding to assist school divisions with fewer than 10,000 students that experience unexpected enrollment loss over the summer between school years (\$2.5

million GF in FY 2021 and \$2.1 million GF in FY 2022).

- Unallots proposed partial restoration of the Cost of Competing Adjustment for eligible school divisions in Planning District 8 and adjacent localities (\$9.6 million GF in FY 2021 and \$10 million GF in FY 2022).

Compensation and Retirement

- Unallots funding that would support proposed compensation actions for state employees and state-supported local employees (for state employees, a three percent bonus effective December 1, 2020, and a three percent salary increase effective June 10, 2021; for Constitutional officers and their employees and state-supported local employees, a two percent bonus, effective December 1, 2020, and a three percent salary increase, effective July 1, 2021; for sworn employees of the Department of State Police with three or more years of continuous state service, \$110 for each year of service up to 30 years, effective August 10, 2020, as well as a two percent salary increase effective the same date). (\$118.1 million GF in FY 2021 and \$146.8 million GF in FY 2022)
- Unallots \$3.9 million GF in FY 2021 and \$4.1 million GF in FY 2022 that was proposed to reduce the amortization period for the state employee retiree health insurance credit.
- Provides \$837,291 GF in FY 2021 and \$993,932 GF in FY 2022 for the state share of costs associated with providing a retiree health insurance credit of \$1.50 per year of service to certain retired school division employees who are not teachers, pursuant to legislation enacted this session.
- Directs the Chief Workforce Development Advisor and the Secretary of Commerce and Trade to study the development of a statewide paid family and medical leave program for all employers.
- Directs the Secretary of Finance and the Secretary of Administration to convene a workgroup to study collective bargaining for state employees; the report is due by November 1, 2021.

Judiciary/Public Safety

- Continues the workgroup convened by the Secretary of Public Safety and Homeland Security on the effects of body-worn cameras on the state's public safety and judicial agencies.
- Provides \$2.5 million GF in FY 2021 for the Emergency Shelter Upgrade Assistance Fund, which was created pursuant to legislation passed this session to aid local governments in preparing for emergency sheltering situations.
- Provides \$4.5 million GF in FY 2021 and \$1.5 million GF in FY 2022 to implement the provisions of the Community Policing Act, which requires the collection of certain data related to motor vehicle or investigatory stops.
- Unallots funding proposed for additional district court clerk positions (\$5.7 million GF in FY 2021 and \$7.6 million GF in FY 2022).
- Unallots funding proposed for additional public defenders (\$3.8 million GF in FY 2021 and \$5.7 million GF in FY 2022).
- Unallots \$8.6 million GF per year in proposed additional aid to localities with police departments ("HB 599").
- Unallots \$2.3 million GF per year for proposed expansion of local pretrial and probation services.

Constitutional Officers

- Unallots \$358,578 GF in FY 2021 and \$391,176 GF in FY 2022 that would fund a minimum of three staff in each Circuit Court Clerk's office.
- Unallots \$1 million GF per year proposed for technology in Clerks' offices.
- Unallots \$1.8 million GF in FY 2021 and \$2 million GF in FY 2022 that would fund deputy circuit court clerks' salaries in order to reach parity with General District Court clerks' salaries.
- Unallots \$979,399 GF in FY 2021 and \$1.1 million GF in FY 2022 that would fund 25 percent of the court services staffing need in Sheriffs' offices.
- Unallots \$1.4 million GF per year that would fund 25 percent of the staffing needs in Commonwealth's Attorneys' offices.
- Unallots \$950,656 GF in FY 2021 and \$1 million GF in FY 2022 that would support unfunded or underfunded positions in offices of Commissioners of the Revenue.
- Unallots \$821,028 GF in FY 2021 and \$1.6 million GF in FY 2022 that would support unfunded/underfunded positions in Treasurers' offices.

Agriculture and Forestry

- Includes language directing the Commissioner of Agriculture and Consumer Services to administer an agricultural pilot program to study the growth, cultivation, and marketing of industrial hemp. Provides \$726,340 GF in FY 2021 and \$176,340 GF in FY 2022 to support the commercialization of industrial hemp by developing a database to manage and track the registration and inspection of growers, dealers, and processors.
- Provides \$1.1 million GF in FY 2021 and \$125,000 GF in FY 2022 for the Virginia Food Access Investment Fund, which was established in legislation passed in 2020.
- Unallots funding for staff in the Virginia Department of Agriculture and Consumer Services (\$425,042 over the biennium) and the Department of Forestry (\$866,032 over the biennium) associated with implementation of the phase III watershed implementation plan.

Elections

- Unallots \$2.5 million GF per year, which would support funding for full reimbursement for the state-established compensation levels for general registrars and electoral board members' salaries.
- Appropriates federal Help America Vote Act funding included in the federal spending package enacted in December 2019; provides required state match. Includes language directing the use of the federal funds for replacement of the state voter registration system.

Economic Development/Workforce Development

- Unallots \$250,000 GF per year in proposed funding for Enterprise Zone grants.
- Unallots \$294,000 GF per year in proposed additional funding for Planning District Commissions.
- Unallots \$12.5 million GF in FY 2021 in proposed additional support for the Business Ready Sites Program.

- Unallots proposed increase of \$500,000 GF per year for the Industrial Revitalization Fund.
- Reverts \$12.7 million in unused FY 2018 and FY 2019 balances for competitive GO Virginia grants and reduces GO Virginia funding by \$4.5 million GF in FY 2022. Directs the Department of Housing and Community Development to report quarterly on grant awards and expenditures from the Virginia Growth and Opportunity Fund.
- Unallots proposed spending for the Governor’s “Get Skilled, Get a Job, Give Back” Program, which would offer financial assistance to low and middle-income residents enrolled in a community college program that leads to an occupation in a high-demand field.
- Unallots proposed additional \$250,000 GF over the biennium for the “Grow Your Own Teacher” Program, which provides grants to low-income high school graduates who attend an institution of higher education in the Commonwealth and subsequently teach in high-need public schools in the school divisions in which they graduated from high school.

Broadband

- Unallots \$16 million GF per year in proposed additional support for the Virginia Telecommunication Initiative (VATI) (leaving the FY 2020 appropriation level of \$19 million). Includes language specifying that appropriate levels of investment from private sector partners are to be part of the criteria for making VATI awards.

Housing

- Unallots proposed addition of \$23 million GF per year in support for the Housing Trust Fund (leaving the FY 2020 base of \$7 million per year).
- Includes language allowing the Department of Housing and Community Development (DHCD) to waive the requirement for homeless prevention program funds to be matched with local or private funds; additional language allows DHCD to use funding from the Housing Trust Fund to address housing issues resulting from the COVID-19 pandemic. Adds the expansion of permanent supportive housing as a priority in awarding grants from the Trust Fund.

Aid to Local Public Libraries

- Unallots \$1 million GF per year in proposed additional aid to local public libraries.

Children’s Services Act

- Unallots \$250,000 in FY 2021 that would continue the second phase of the rate study for private special education day placements that was partially completed in 2019. Directs the Office of Children’s services to submit preliminary findings on the continuation of the study to the Joint Legislative Audit and Review Commission no later than September 1 for incorporation into JLARC’s CSA study. Includes language directing the implementation of rate setting on a statewide basis, effective July 1, 2021. Includes \$18 million GF in FY 2021 and \$26 million GF in FY 2022 to fund program growth.

Medicaid

- Directs the Department of Medical Assistance Services to review the reimbursement of

services provided by local education agencies to Medicaid-eligible children, including evaluating options to allow school divisions to draw down additional federal resources.

- Unallots proposed addition of 250 Developmental Disability waiver slots in FY 2022 (these slots were added by the General Assembly; retains the 1,135 waiver slots added over the biennium in the Governor's introduced budget as part of the state's agreement with the Department of Justice). Requires the Department of Behavioral Health and Developmental Services (DBHDS) to report quarterly on the allocation of waiver slots by each Community Services Board.
- Unallots proposed funding for care coordination for inmates prior to release from incarceration (\$347,803 GF in FY 2021 and \$465,440 in FY 2022).
- Unallots funding for a proposed new Medicaid dental benefit for adults (\$8.7 million GF in FY 2021 and \$25.3 million GF in FY 2022).
- Unallots funding for a new voluntary home visiting benefit. (\$12 million in FY 2022)
- Unallots the Medicaid-funded portion of additional STEP-VA services proposed to be funded over the biennium (\$486,951 GF in FY 2021 and \$2.3 million GF in FY 2022).

Behavioral Health

- Unallots \$4.2 million GF per year in proposed additional support for the Virginia Mental Health Access Program, which assists pediatricians in providing mental health care to children.
- Unallots proposed funding for pilot programs to reduce census pressures at state hospitals (\$7.5 million GF per year). Unallots proposed \$150,000 GF per year that would fund a pilot project to pay for transportation costs of patients discharged from a state hospital. Authorizes DBHDS to accept unsolicited proposals from private providers to establish a pilot project for the purpose of acquiring clinically appropriate housing options for individuals on the Extraordinary Barriers List or to prevent unnecessary hospitalizations.
- Directs DBHDS to develop a plan to convert Crisis Intervention Team Assessment Centers (CITACs) to 24-hour, seven-day operations and move toward regional CITAC sites.
- Authorizes DBHDS to collaborate with the Children's Hospital of the King's Daughters (CHKD) to develop a memorandum of understanding for dedicating a portion of the future bed capacity of a 60-bed mental health hospital at CHKD for use in providing treatment services to children or adolescents who may otherwise be admitted to the Commonwealth Center for Children and Adolescents.
- Unallots proposed increases in funds for permanent supportive housing (\$8.5 million GF in FY 2021 and \$17 million GF in FY 2022).
- Unallots proposed additional funding to expand forensic discharge planning in jails (\$1.4 million GF in FY 2021 and \$2.1 million GF in FY 2022).
- Unallots funding for continued phased implementation of STEP-VA (\$19.7 million GF in FY 2021 and \$30.2 million GF in FY 2022, which would provide additional funding for outpatient services, veterans services, and peer support and family support services). Provides that Community Services Boards are not required to provide STEP-VA services beyond what was funded in the 2019 Appropriations Act.

Social Services

- Provides \$1.5 million in Temporary Assistance to Needy Families (TANF) funding each year for a third round of competitive grants for community employment and training programs.

- Unallots \$1.2 million GF per year that would increase TANF benefits and income eligibility.
- Directs the Commissioner of Social Services to establish a five-year plan to prevent child abuse and neglect.
- Directs the Department of Social Services to develop a plan to provide statewide access to a Kinship Navigator Program, which assists kinship caregivers in navigating their local service systems, as well as federal and state benefits.
- Unallots \$3.4 million in FY 2021 and \$8.4 million in FY 2022 to fund prevention services for children and families as part of the state's implementation of the federal Family First Prevention Services Act and \$12.5 million in FY 2021 and \$17.4 million in FY 2022 to establish prevention services in local departments of social services. Also unallots \$1.1 million GF per year that would support development of evidence-based services in accordance with the 2018 changes to federal foster care funding streams.
- Unallots \$5.6 million GF per year that would increase minimum salaries in local departments of social services.
- Unallots \$75,000 GF per year that was proposed to develop an emergency approval process for kinship caregivers, as well as \$100,000 GF in FY 2021 and \$200,000 GF in FY 2022 that would support foster care youth obtaining drivers' licenses.

Natural Resources

- Directs the Department of Environmental Quality (DEQ) to convene a workgroup to review the assumptions used in estimating the effluent nutrient concentrations and trends of wastewater facilities and to identify cost-effective options to achieve wastewater nutrient load levels with reasonable assurance consistent with the needs of the Chesapeake Bay TMDL Phase III Watershed Implementation Plan.
- Directs DEQ to assess current provisions of the Virginia Erosion and Sediment Control Act, Storm Water Management Act, and the Chesapeake Bay Preservation Act and identify any areas of inconsistency, conflict, and duplication within and among the existing administrative regulations across the three regulatory programs and analyze the impact on locally administered programs for MS4 permit localities under the Virginia Stormwater Management Act.
- Unallots proposed spending increases for state park operations and maintenance (\$3.2 million over the biennium).
- Unallots proposed supplemental Water Quality Improvement Fund deposit in FY 2022 of \$25.4 million and proposed Supplemental Water Quality Improvement Fund deposit of \$3.8 million in FY 2021 but retains the mandatory appropriation in FY 2021.
- Provides \$50 million in bond authorization for the Stormwater Local Assistance Fund (SLAF).

Transportation

- Directs the Secretary of Transportation and the Secretary of Natural Resources to evaluate the issue of drainage outfalls originating from VDOT-maintained roads without an assigned maintaining entity and recommend cost-effective funding solutions.
- Includes language providing that the Six-Year Improvement Program adopted in June 2019 shall remain in effect until June 30, 2021, or until a new program is adopted after an updated Commonwealth Transportation Fund revenue forecast reflecting the effects of the pandemic.
- Appropriates new funding associated with omnibus transportation funding legislation

enacted in the 2020 session, as well as regional funding authorized under legislation establishing the Central Virginia Transportation Authority. These revenue estimates are expected to be revisited as part of the revenue reforecasting process.

Reserves

- Unallots proposed voluntary \$300 million deposit to the Revenue Reserve Fund in FY 2022.
- Retains the mandatory deposits of \$77.4 million GF in FY 2021 and \$17.5 million GF in FY 2022 to the Revenue Stabilization Fund (“Rainy Day Fund”).

Other

- Authorizes the Treasury Board to issue up to \$500 million in tax and revenue anticipation notes on behalf of the state in order to manage cash flow; authorizes up to \$250 million in tax and revenue anticipation notes to assist with cash flow for counties, cities, and towns.
- Directs the Secretary of Finance to convene a workgroup to examine procedures and requirements necessary for entities with the authority to issue state tax-supported debt to report to the Debt Capacity Advisory Committee prior to issuing such debt.
- Authorizes public bodies to conduct electronic meetings during a declared state of emergency when it unsafe or impracticable to host a meeting in a single location, subject to certain requirements.
- Provides \$78,000 GF each year for Line of Duty Act premiums to reflect the passage of legislation dealing with workers’ compensation (including legislation adding certain cancers to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers’ Compensation Act) and provides \$418,000 GF per year for additional workers’ compensation claims related to post-traumatic stress disorder in accordance with legislation that passed in 2020.
- Provides \$1.3 million GF in FY 2021 and \$4.6 million GF in FY 2022 to recognize the effects of the increase in the minimum wage on state agency operations.

Summary of Legislation Affecting Counties

Unless otherwise stated, all legislation goes into effect on July 1, 2020.

ECONOMIC DEVELOPMENT AND PLANNING

PASSED LEGISLATION

Broadband

HB 554 Zoning; wireless communications infrastructure.

Amends § 15.2-2316.4:2 of the Code of Virginia, allows a locality to disapprove an application for wireless communications infrastructure if the applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in an area where all cable and public utility facilities are required to be placed underground. (Patron: VanValkenburg)

HB 831 / SB 794 Utility easements; location of broadband and other communications facilities.

Amends § 55.1-306 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-306.1, to declare that it is the policy of the Commonwealth that (i) easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services; (ii) the use of easements to provide or expand broadband or other communications services is in the public interest; (iii) the installation, replacement, or use of public utility conduit, including the

costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest; (iv) the use of easements to provide or expand broadband or other communications services (a) does not constitute a change in the physical use of the easement, (b) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate, (c) does not place any additional burden on the servient estate other than a de minimis burden, if any; (iv) has value to the owner or occupant of the servient estate greater than any de minimis impact; and (v) the installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure further provides that (1) absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement shall be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric and communications facilities and (2) subject to compliance with any express prohibitions in a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility

poles are installed. The measure provides that any incumbent utility or communications provider may use a prescriptive easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. (*Patrons: Carroll Foy and Lewis*)

[HB 1271](#) / [SB 792](#) Nonpublic service companies, certain; conveyance of right-of-way usage.

Amends § 2.2-1151.1 of the Code of Virginia, to allow a 501(c)(4) social welfare organization to obtain a land use permit from the Department of Transportation to use rights-of-way to operate a wholesale open-access fiber network. (*Patrons: Hodges and Lewis*)

[HB 1280](#) Electric utilities; broadband capacity.

Amends § 56-585.1:9 of the Code of Virginia to authorize an electric utility to lease to any third party that is a wholesaler and that is not a government-owned broadband authority, for the purposes of providing broadband connectivity. The leases may extend in length beyond the end of the pilot program under which the utility provides broadband capacity to nongovernmental Internet service providers in areas of the Commonwealth unserved by broadband. (*Patron: O'Quinn*)

[HB 1376](#) / [SB 953](#) Virginia Wireless Service Authority Act; appointments to board.

Amends § 15.2-5431.10 of the Code of Virginia, to provide that a board established under the Virginia Wireless Service Authority Act may contain either five or seven members, rather than five members as required under current law. (*Patrons: Austin and Edwards*)

Utility-Scale Solar & Wind

[HB 655](#) / [SB 870](#) Solar photovoltaic projects; special exceptions for any project.

Amends the Code of Virginia by adding a section numbered 15.2-2288.8, to authorize a locality to include reasonable regulations and provisions in its zoning ordinance for a special exception for any solar photovoltaic (electric energy) project. The bill authorizes the governing body of such locality to grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such proffered conditions are reasonably related to the project. (*Patrons: Heretick and Marsden*)

[HB 656](#) / [SB 875](#) Solar energy projects; national standards.

Amends § 15.2-2286 of the Code of Virginia, to authorize a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects. (*Patrons: Heretick and Marsden*)

[HB 657](#) Comprehensive plan; solar facilities review.

Amends § 15.2-2232 of the Code of Virginia, to provide that certain solar facilities shall be deemed to be substantially in accord with a locality's comprehensive plan if the locality waives the requirement that solar facilities be reviewed for substantial accord with the comprehensive plan. (*Patron: Heretick*)

[HB 1131](#) / [SB 762](#) Solar energy projects; revenue share assessment.

Amends § 58.1-3660 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 26 of Title 58.1 a section numbered 58.1-2636, to authorize any locality by ordinance to assess a revenue share of up to \$1,400 per megawatt on any solar

photovoltaic (electric energy) project with certain exceptions and expands an existing tax exemption for such projects under certain conditions. The bill authorizes such revenue share to apply to existing projects only if certain conditions are met. The bill also extends a state mandate to exempt utility-scale solar projects from local tax to 2030 (currently set to expire in 2024) have passed in both the House and the Senate. VACo opposed extension of the deadline. (*Patrons: Jones and Barker*)

HB 1133 Solar and wind energy; projects on previously developed project sites.

Amends §§ 56-576 and 56-585.1:4 of the Code of Virginia, to declare that the construction or purchase by a public utility prior to January 1, 2024, of one or more solar or wind generation facilities located on a previously developed project site in the Commonwealth having in the aggregate a rated capacity that does not exceed 200 megawatts, or the purchase by a public utility of energy, capacity, and environmental attributes from such solar facilities owned by persons other than a public utility, is in the public interest. (*Patron: Jones*)

HB 1183 Bulk energy storage resources; State Corporation Commission.

Requires the State Corporation Commission to establish a task force to evaluate and analyze the potential for bulk energy storage resources to, among other things, help integrate renewable energy into the electrical grid. The measure requires the Commission to submit the results of task force's evaluation and analysis to the General Assembly by October 1, 2021. (*Patron: Lopez*)

HB 1327 Property taxes; generating equipment of electric suppliers utilizing wind turbines.

Under current law, wind turbine projects more than 25 megawatts (MW) in generating capacity may be taxed locally at a rate that exceeds the real estate rate, but that does not exceed the Machinery and Tool (M&T) tax rate. HB 1327 amends § 58.1-2606 of the Code of Virginia to only allow a locality to exceed

the locality's real estate tax rate by more than \$0.20 per \$100 of assessed value. However, at the request of VACo the bill was amended so that it only applies to projects "... for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before July 1, 2020." For all other projects, and under current law, the tax may exceed the real estate rate but cannot exceed the general personal property tax rate in the locality. (*Patron: Austin*)

HB 1434 / SB 763 Local tax; amount of exemption for solar energy equipment.

Amends § 58.1-3660 of the Code of Virginia to change the local property tax exemption for solar energy projects from an 80 percent exemption for the life of the project to a step down scale of an 80 percent exemption in the first five years, 70 percent in the second five years, and 60 percent for all remaining years in service. The change applies to solar energy projects that are either (i) projects greater than 20 megawatts and less than 150 megawatts for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization after January 1, 2015, and first in service on or after January 1, 2017, and (ii) projects equaling more than five megawatts and less than 150 megawatts for which an initial interconnection request form has been filed on or after January 1, 2019. The bill provides that if a locality assesses a revenue share on a project, the phase-down shall not apply. The bill also extends a state mandate to exempt utility-scale solar projects from local tax to 2030 (currently set to expire in 2024) have passed in both the House and the Senate. VACo opposed extension of the deadline. (*Patrons: Jones and Barker*)

HB 1526 / SB 851 Electric utility regulation; environmental goals.

Amends §§ 10.1-1308, 56-576, 56-585.1, 56-585.1:4, 56-594, and 56-596.2 of the Code of Virginia and § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017; to amend the Code of

Virginia by adding sections numbered 56-585.1:11, 56-585.5, and 56-585.6; and to repeal § 56-585.2 of the Code of Virginia, to establish a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a by-product of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. The measure replaces the existing voluntary renewable energy portfolio standard program (RPS Program) with a mandatory RPS Program. Under the mandatory RPS Program, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively. A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically economically disadvantaged communities, energy efficiency measures, and administrative costs. The measure requires the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating units in the Commonwealth and authorizes the Board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measure also (i) requires, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2,700 megawatts of energy storage capacity, respectively; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to

achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and increase those savings annually; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) establishes requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034, and provides that in constructing any such facility, the utility shall (a) identify options for utilizing local workers; (b) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) give priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities; (vii) requires each

utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between five and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) increases the limit from 5,000 megawatts to 16,100 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3,000 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increases each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (xii) establishes the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, requires the Commission to issue its final order

regarding the PIPP by December 31, 2020, and requires the Department of Housing and Community Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to submit the stakeholder groups recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020; (xiii) increases the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power; (xiv) requires each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy; (xv) requires the Department of Mines, Minerals and Energy in consultation with the Council on Environmental Justice to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically economically disadvantaged communities; (xvi) requires the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon-free electric energy generation by 2045 at least cost for ratepayers; and (xvii) provides that it is the policy of the Commonwealth that the State Corporation Commission, Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider those facilities and programs being to

the benefit of low-income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines. (*Patrons: Sullivan and McClellan*)

HB 1675 Solar energy facilities; definitions, siting agreement with host locality.

Amends the Code of Virginia by adding in Chapter 22 of Title 15.2 an article numbered 7.3, consisting of sections numbered 15.2-2316.6 through 15.2-2316.9, to require any applicant for a solar facility to give to the host locality written notice of the applicant's intent to locate a solar facility in an opportunity zone, defined in the bill, in such locality and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such locality. The siting agreement may include terms and conditions, including mitigation of any impacts of such solar facility and financial compensation to the host locality to address various capital needs. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality shall schedule a public hearing for the purpose of consideration of such siting agreement. If a majority of a quorum of the members of the governing body present at such public hearing approve of such siting agreement, the siting agreement shall be executed by the signatures of (i) the chief executive officer of the host locality and (ii) the applicant or the applicant's authorized agent. The siting agreement shall continue in effect until it is amended, revoked, or suspended. The provisions of the bill shall not apply to any solar facility that has received zoning and site plan approval, preliminary or otherwise, from the host locality on or before January 1, 2020. VACo supported the legislation. (*Patron: Hodges*)

Economic Development

HB 537 / SB 727 Real estate tax; exemption for property in redevelopment or conservation areas.

Amends § 58.1-3219.4 of the Code of Virginia,

to increase the maximum duration of a local real estate tax exemption for structures in redevelopment or conservation areas or rehabilitation districts from 15 to 30 years. (*Patrons: Carr and McClellan*)

HB 1017 / SB 576 Commonwealth of Virginia Innovation Partnership Authority; created.

Amends §§ 2.2-204, 2.2-225, 2.2-3705.6, 2.2-3705.7, 2.2-3711, and 23.1-203 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 22 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2351 through 2.2-2364; and to repeal Article 3 (§§ 2.2-2218 through 2.2-2233.1) of Chapter 22 of Title 2.2, Article 8 (§§ 23.1-3130 through 23.1-3134) of Chapter 31 of Title 23.1, and § 51.1-124.38 of the Code of Virginia, to create the Commonwealth of Virginia Innovation Partnership Authority (the Authority) to oversee and support research, development, and commercialization, as well as related investment and seed-stage funding, in the Commonwealth. The Authority will be governed by an 11-member Board, consisting of the Secretary of Commerce and Trade, six nonlegislative citizen members appointed by the Governor, and four nonlegislative citizen members appointed by the Joint Rules Committee. Existing grant, loan, and investment funds currently administered by the Innovation and Entrepreneurship Investment Authority and the Virginia Research Investment Committee, repealed under the bill, would be consolidated under the Authority, and the Authority would be responsible for developing an Innovation Index for the Commonwealth. The bill contains technical amendments. (*Patrons: Sickles and Howell*)

HB 1597 GO Virginia grants; matching funds.

Amends § 2.2-2489 of the Code of Virginia, to allow a locality to use funds awarded from the Tobacco Region Revitalization Commission as matching funds for a GO Virginia grant award. No other state funds are authorized to be used as a source of matching funds. The provisions

of the bill sunset on July 1, 2021. (*Patron: Wampler*)

SB 1039 Solar energy and recycling equipment; classification for purposes of real property tax exemption.

Amends § 58.1-3661 of the Code of Virginia, to provide that, for purposes of the real property tax exemption for certified solar energy and recycling equipment, the exemption shall be retroactive to the date of installation if the taxpayer obtains certification from the Department of Environmental Quality within one year of installation. Under current law, the exemption is effective in the next tax year after the taxpayer obtains certification. (*Patron: Vogel*)

Land Use and Zoning, Redevelopment

HB 106 Numbering on buildings; civil penalty.

Amends § 15.2-2024 of the Code of Virginia, to provide that an ordinance that requires buildings to have visible numbering may include provisions for a civil penalty not to exceed \$100 for a violation that has not been corrected within 15 days of notice of such violation. Civil penalties assessed under this provision shall be paid into the treasury of the locality where the violation occurred. (*Patron: Cole, M.L.*)

HB 150 Derelict residential buildings; civil penalty.

Amends § 15.2-907.1 of the Code of Virginia, to allow certain localities to impose a civil penalty not exceeding \$500 per month on owners of derelict residential property that have not submitted a required plan to renovate or demolish the derelict structure. The bill prohibits the total of such fee from exceeding the cost to demolish the building. (*Patron: Samirah*)

HB 166 / SB 869 Hearing notice by localities; timely notice related to planning or zoning matter to newspaper, etc.

Amends § 15.2-2204 of the Code of Virginia,

to provide that in any instance in which a locality in Planning District 23 has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition. The bill has an expiration date of July 1, 2022. (*Patrons: Knight and DeSteph*)

HB 370 / SB 292 Zoning appeals, Board of; dual office holding.

Amends § 15.2-2308 of the Code of Virginia, to authorize a member of a board of zoning appeals to be appointed to also serve as an officer of election. (*Patrons: Bell and Deeds*)

HB 505 Zoning appeals, board of; writ of certiorari.

Amends § 15.2-2314 of the Code of Virginia, to provide that once the writ of certiorari is served in response to a petition from a party aggrieved by a board of zoning appeals decision, the board of zoning appeals shall have 21 days or as ordered by the court to respond. (*Patron: Knight*)

HB 585 Comprehensive plan; certain localities to promote transit-oriented development.

Amends the Code of Virginia by adding a section numbered 15.2-2223.4, to require that each city with a population greater than 20,000 and each county with a population greater than 100,000 consider incorporating into the next scheduled and all subsequent reviews of its comprehensive plan strategies to promote transit-oriented development for the purpose of reducing greenhouse gas emissions through coordinated transportation, housing, and land use planning. (*Patron: Guzman*)

HB 726 / SB 746 Comprehensive plan; adoption or disapproval by governing body.

Amends §§ 15.2-2226 and 15.2-2229 of the Code of Virginia, to extend the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive

plan amendment for more than 25 parcels from 90 to 150 days. (*Patrons: Reid and Bell*)

HB 755 Real property taxes; definitions, blighted and derelict properties in certain localities.

Amends § 58.1-3965 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-3221.6, to provide that, in certain localities, blighted properties and derelict structures shall constitute a separate class of property for local taxation of real property. Such certain localities may, by ordinance, levy a tax on blighted properties and derelict structures at a rate that exceeds the general real property tax rate by five and 10 percent, respectively. Any tax levied pursuant to such an ordinance shall be imposed upon a determination by the real estate assessor that a property constitutes a blighted property or derelict structure. The bill also provides that, in such certain localities, delinquent tax lands may be sold six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. The bill contains technical amendments. (*Patron: Aird*)

HB 875 Grass; local ordinance on cutting.

Amends § 15.2-901 of the Code of Virginia, to authorize a locality located in Planning District 6 to enforce on residential land of one acre or less in an area zoned for agricultural use an ordinance requiring owners of property to cut the grass, weeds, and other foreign growth on such property. Current law prohibits such an ordinance from applying to land zoned for or in active farming operation. (*Patron: Campbell, R.R.*)

HB 929 Subdivision plats; certain approved final plats shall remain valid indefinitely, etc.

Amends § 15.2-2261 of the Code of Virginia to provide that certain approved final subdivision plats shall remain valid indefinitely if a

recorded plat dedicating real property to the locality has been accepted by such grantee. (*Patron: Coyner*)

HB 998 Flood plain; adoption of ordinances.

Amends the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-984, to provide that any locality may by ordinance regulate the activity on, use of, or development of a flood plain in a manner consistent with any state or federal flood plain management programs and requirements. (*Patron: Hayes*)

HB 1002 Agriculture and Forestry Industries Development Planning Grant Program; created.

Amends §§ 3.2-303 and 3.2-304 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3.1 of Title 3.2 a section numbered 3.2-310, to authorize the Governor to award grants from the existing Governor's Agriculture and Forestry Industries Development Fund to encourage efforts by political subdivisions to support agriculture and forestry. The bill creates the Agriculture and Forestry Industries Development Planning Grant Program, authorizes the Governor to award reimbursable grants to political subdivisions through the Program, and directs the Secretary of Agriculture and Forestry to administer and develop guidelines for the Program, including a local matching fund requirement. (*Patron: Guzman*)

HB 1259 Parking; regulation by certain counties and towns.

Amends § 46.2-1222.1 of the Code of Virginia, to add the County of Frederick and the Town of West Point to the list of counties and towns that are permitted to regulate or prohibit the parking on any public highway of watercraft, boat trailers, motor homes, and camping trailers and to regulate or prohibit the parking of commercial vehicles on any public highway in a residence district. (*Patron: Hodges*)

HB 1639 Rural lands; DEQ shall convene work group to discuss issue of disposal of debris on lands.

Directs the Department of Environmental Quality (DEQ) to convene a work group to research the practice of rural landowners allowing, or allowing for compensation, the use of their lands as disposal sites for construction fill and debris from road construction and development projects. The work group shall consider recommending regulations for possible adoption by DEQ, including a regulation containing a model ordinance relating to the practice for adoption by localities, and statutory changes, including changes to the practice related to agricultural engineering operations and construction of terraces. (*Patron: Guzman*)

HB 1655 Landowners; sale of certain property by locality, tax delinquent property.

Amends the Code of Virginia by adding a section numbered 15.2-1800.3 to provide that, in any instance in which a parcel of real estate is (i) located within an undeveloped common area in a subdivision, (ii) located in a subdivision with a homeowners' association that has been previously dissolved, and (iii) tax delinquent, a locality may, after giving at least 30 days of notice to adjacent property owners, choose to offer for sale such tax delinquent property in whole or in part to adjacent property owners prior to any public auction of the tax delinquent property. The locality may waive any liens associated with the property in order to facilitate the sale and may further waive payment of any past taxes, penalties, and interest with regard to any new owner. (*Patron: Orrock*)

HB 1688 Cemeteries; grass cutting on land used for interment of human remains.

Amends § 15.2-901 of the Code of Virginia, to exempt land used for the interment of human remains owned by an individual, family, property owners' association, or church from a local ordinance requiring certain owners of property to cut the grass, weeds, and other

foreign growth on such property. (*Patron: McQuinn*)

SB 24 Agritourism activities; adds horseback riding or stabling to definition.

Amends § 3.2-6400 of the Code of Virginia to add horseback riding to the definition of "agritourism activity." Agritourism activities have limited liability for the inherent risks of the activity under certain conditions. (*Patron: Petersen*)

SB 28 Eminent domain; eliminates specific provisions for assessment of costs in certain proceedings.

Amends § 25.1-245.1 of the Code of Virginia and to repeal § 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. The bill exempts condemnation actions for easements adjudged at less than \$10,000. The bill also provides that its provisions apply only to condemnation actions filed on or after July 1, 2020. (*Patron: Petersen*)

SB 31 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. Finally, the bill reorganizes for clarity the provisions governing what happens upon recordation of a certificate by the Commissioner of Highways in a condemnation proceeding. The bill provides that its provisions apply only to condemnation actions filed on or after July 1, 2020. (*Patron: Petersen*)

SB 360 Water, sewerage, and drainage; standards for installation by developer, policies for reimbursement.

Amends § 15.2-2243 of the Code of Virginia, to authorize a locality that has adopted an ordinance for payment by a subdivider or developer of land of the pro rata share of the cost of providing reasonable and necessary sewerage, water, and drainage facilities to also provide in its subdivision ordinance that, when adequate water, sewerage, or drainage facilities are not available to serve a proposed subdivision or development, the subdivider or developer of the property may be permitted to install reasonable and necessary water, sewerage, and drainage facilities, located on or outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area and provides certain requirements for reimbursement of such installation. (*Patron: Cosgrove*)

SB 589 Zoning administrators; notice of decisions and determinations.

Amends § 15.2-2286 of the Code of Virginia, to require a zoning administrator to provide notice to an adjacent property owner of any decision or determination by the zoning administrator that could impair the ability of such adjacent property owner to satisfy the minimum storage capacity and yield requirements for a residential drinking well. (*Patron: Hanger*)

SB 630 Common interest communities; electric vehicle charging stations permitted.

Amends the Code of Virginia by adding sections numbered 55.1-1823.1, 55.1-1962.1, and 55.1-2139.1 to prohibit certain common interest community associations from prohibiting the installation of an electric vehicle charging station within the boundaries of a member's unit or limited common element parking space

appurtenant to the unit owned by the unit owner or, in the case of a property owners' association, a lot owner's property, and sets forth provisions governing the installation and removal of such charging stations. The bill also requires the association member installing an electric vehicle charging station to indemnify and hold the association harmless from all liability resulting from a claim arising out of the installation, maintenance, operation, or use of such charging station. (*Patron: Surovell*)

SB 631 Abandoned and stolen shopping carts; local regulation.

Amends the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-984, to provide that any locality with a County Manager Plan or Urban County Executive form of government may, by ordinance, provide that it is unlawful for any person to place, leave, or abandon on any real property in the locality, or within specified districts within the locality, any shopping cart. The bill requires such ordinance to provide that any such shopping cart that remains on the real property at least 15 days after a notice of violation is given to the owner of such shopping cart shall be presumed to be abandoned and subject to removal from the real property by the county or its agents without further notice. In the event that any such shopping cart is so removed, the cost of removal, including the cost of disposal, but not to exceed \$300 per cart, shall be charged to the owner of the shopping cart. The bill also authorizes such ordinance to prohibit possession of a shopping cart outside of the designated premises when the owner has posted notice of such prohibition. Such ordinance may provide for a civil penalty of not more than \$500. (*Patron: Surovell*)

SB 647 Zoning; development approvals.

Amends § 15.2-2286 of the Code of Virginia, to provide for the transition of certain existing development approvals when a subject property shifts from one jurisdiction to another due to annexation, boundary adjustment, or other cause. The bill contains a grandfather

clause for certain existing provisions. (*Patron: Boysko*)

SB 951 Eminent domain; written offer to purchase property.

Amends § 25.1-204 of the Code of Virginia, to require a condemnor's written offer to purchase property prior to instituting a condemnation proceeding, and its written statement of the amount established as just compensation, to be on such condemnor's letterhead and signed by an authorized employee of such condemnor. (*Patron: Obenshain*)

Affordable/Fair Housing & Property Disclosures

HB 6 Virginia Fair Housing Law; unlawful discriminatory housing practices.

Amends §§ 36-96.1 through 36-96.3 of the Code of Virginia, to add discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill creates an exemption for an owner or owner's managing agent, provided that such owner does not own more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units in the Commonwealth at the time of the alleged discriminatory housing practice. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity. (*Patron: Bourne*)

HB 99 Va. Fair Housing Law; status as a victim of family abuse, etc.

Amends §§ 36-96.2, 55.1-1203, and 55.1-1209 of the Code of Virginia, to allow an applicant for a lease to recover actual damages, including all amounts paid to the landlord as an application fee, application deposit, or reimbursement for any of the landlord's out-of-pocket expenses that were charged to the applicant, along with attorney fees, if the landlord does not consider

evidence of the applicant's status as a victim of family abuse to mitigate any adverse effect of the otherwise qualified applicant's low credit score. (*Patron: Rasoul*)

HB 174 Va. Residential Property Disclosure Act; required disclosures for buyer to beware, marine clays.

Amends § 55.1-703 of the Code of Virginia, to provide that the owner of residential property makes no representations with respect to whether the property is located on or near deposits of marine clays (marumsco soils). The bill also advises purchasers to exercise whatever due diligence is deemed necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including consulting public resources regarding local soil conditions and having the soil and structural conditions of the property analyzed by a qualified professional. (*Patron: Krizek*)

HB 175 Virginia Residential Property Disclosure Act; required disclosures, radon gas.

Amends § 55.1-703 of the Code of Virginia, to add to the disclosure statement required to be furnished to the buyer by the owner of residential real property that the buyer beware and exercise necessary due diligence with respect to whether the property is located in a locality classified as Zone 1 or Zone 2 by the U.S. Environmental Protection Agency's Map of Radon Zones. (*Patron: Krizek*)

HB 334 Manufactured home parks; sale of park to developer, relocation expenses.

Amends the Code of Virginia by adding a section numbered 55.1-1308.1, to provide that if the termination of a manufactured home park rental agreement is due to the sale of the manufactured home park to a buyer that is going to redevelop the park and change its use, the landlord shall provide certain relocation expenses to each manufactured home owner in the park within the 180-day notice period for the purpose of removing the manufactured home from the park. (*Patron: Krizek*)

HB 393 / SB 707 Landlord and tenant; statement of tenant rights and responsibilities.

Amends §§ 36-139 and 55.1-1204 of the Code of Virginia, to require the Director of the Department of Housing and Community Development to develop a statement of tenant rights and responsibilities explaining in plain language the rights and responsibilities of tenants under the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and maintain such statement on the Department's website along with a form to be signed by the parties to a rental agreement. The bill requires that the statement be provided to any prospective tenant and that the form developed by the Department be signed by the parties to the rental agreement. The bill prohibits a landlord from filing or maintaining an action against a tenant in a court of law for any alleged lease violation until he has provided the tenant with the statement of tenant rights and responsibilities. (*Patrons: Ward and McClellan*)

HB 396 Redevelopment and housing authority; increases compensation of commissioners.

Amends § 36-11.1:1 of the Code of Virginia, to increase from \$150 to \$500 per month the maximum compensation that may be paid to a redevelopment and housing authority commissioner. (*Patron: Kory*)

HB 518 / SB 628 Virginia Residential Property Disclosure Act; residential building energy analysis.

Amends § 55.1-703 of the Code of Virginia, to add obtaining a residential building energy analysis to the disclosure statement furnished to the buyer by the owner of residential real property that the buyer beware and exercise necessary due diligence with respect to determining the condition of real property or any improvements thereon. This bill is a recommendation of the Virginia Housing Commission. (*Patrons: Bulova and Surovell*)

HB 519 / SB 115 Virginia Residential Landlord and Tenant Act; certain notices of termination.

Amends § 55.1-1202 of the Code of Virginia, to provide that no notice of termination of tenancy served upon a tenant receiving tenant-based rental assistance through (i) the Housing Choice Voucher Program, 42 U.S.C. § 1437f(o), or (ii) any other federal, state, or local program by a private landlord is effective unless it contains on its first page, in type no smaller or less legible than that otherwise used in the body of the notice, the statewide legal aid telephone number and website address. (*Patrons: Bulova and Favola*)

HB 810 Virginia housing opportunity tax credit program; VHDA, et al., to develop.

Directs the Department of Housing and Community Development and the Virginia Housing Development Authority to convene a stakeholder advisory group to develop draft legislation establishing a Virginia housing opportunity tax credit program for the purpose of providing incentives for the utilization of private equity in the development and construction of affordable housing in the Commonwealth and regulations for implementing such program. The stakeholder advisory group shall also conduct financial modeling to determine the fiscal impact to the Commonwealth of various levels of funding for a Virginia housing opportunity tax credit. The stakeholder advisory group shall determine the most effective and efficient way to administer the program in conjunction with the federal Low-Income Housing Tax Credit Program. The stakeholder advisory group shall report its recommendations to the Governor, the Secretary of Commerce and Trade, the Director of the Department of Housing and Community Development, and the commissioners of the Virginia Housing Development Authority by September 1, 2020. (*Patron: Bourne*)

HB 854 Affordable housing; VHDA, et al., to study ways to develop.

Requests the Department of Housing and Community Development and the Virginia Housing and Development Authority to convene a stakeholder advisory group to (i) determine the quantity and quality of affordable housing across the Commonwealth, (ii) conduct a review of current programs and policies to determine the effectiveness of current housing policy efforts, (iii) develop an informed projection of future housing needs in the Commonwealth and determine the order of priority of those needs, and (iv) make recommendations for the improvement of housing policy in the Commonwealth. (*Patron: Murphy*)

HB 859 Stormwater management facilities; private residential lots, required disclosure.

Amends §§ 55.1-703 and 62.1-44.15:28, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-708.1, to direct the State Water Control Board to adopt regulations requiring the owner of residential property on which is located a privately-owned stormwater management facility serving one or more residential properties to record the long-term maintenance and inspection requirements for such stormwater management facility with the deed for the owner's property. The bill requires an owner of residential real property who has actual knowledge of a privately-owned stormwater management facility located on the property to disclose to a purchaser of the property the long-term maintenance and inspection requirements of the facility. (*Patron: Convirs-Fowler*)

HB 1101 / SB 834 Affordable housing; certain localities allowed to adopt dwelling unit ordinances.

Amends the Code of Virginia by adding a section numbered 15.2-2305.1 to allow certain localities to adopt affordable housing dwelling unit ordinances. The governing body of any

locality, other than localities to which certain current affordable housing provisions apply, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant's voluntarily electing to provide such affordable housing. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing. The bill provides that any zoning ordinance establishing an affordable housing dwelling unit program may include reasonable regulations and provisions as to any or all of the following: (a) for application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or a portion thereof at one location that is the subject of an application for rezoning or special exception or site plan or subdivision plat that yields, as submitted by the applicant, at an equivalent density greater than one unit per acre and that is located within an approved sewer area; (b) the waiver of any fees associated with the construction, renovation, or rehabilitation of a structure, including building permit fees, application review fees, and water and sewer connection fees; (c) for standards of compliance with the provisions of an affordable housing dwelling unit program and for the authority of the local governing body or its designee to enforce compliance with such standards and impose reasonable penalties for noncompliance, provided that such local zoning ordinance provide for an appeal process

for any party aggrieved by a decision of the local governing body; and (d) various other provisions set out in the bill.

Any zoning ordinance establishing such affordable housing dwelling unit program shall adopt the regulations and provisions set out in the bill to establish an affordable housing density bonus and development standards relief program. (*Patrons: Carr and McClellan*)

HB 1161 Virginia Residential Property Disclosure Act; required disclosures, lead pipe.

Amends §§ 54.1-2133 and 55.1-703 of the Code of Virginia, to add to the disclosure statement required to be furnished by the owner of residential real property to a buyer that the buyer beware and exercise necessary due diligence with respect to whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of “lead free.” The bill also requires any licensee who is engaged by a landlord and who has actual knowledge of the existence of any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of “lead free” to disclose such information to a prospective tenant. (*Patron: Lopez*)

HB 1249 Manufactured Home Lot Rental Act; manufactured home park, termination due to sale of park, notice.

Amends §§ 55.1-1308, 55.1-1309, 55.1-1311, and 55.1-1316 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-1308.1, to provide that where the sale of a manufactured home park is due to a change in the use of all or any part of a manufactured home park by the landlord, including conversion to hotel, motel, or other commercial use, planned unit development, rehabilitation, or demolition, a 180-day written notice is required to terminate the rental agreement. The bill also requires a manufactured home park owner who offers or lists the park for sale to a third party to provide written notice to (i) the Department of Housing

and Community Development, which shall make the information available on its website within five days of receipt, and (ii) each tenant of the manufactured home park at least 90 days prior to accepting an offer. The bill provides that tenants who have been evicted from a manufactured home park have 90 days after a judgment has been entered in which to rent the manufactured home to a subtenant, contingent on the subtenant’s making a rental application to the manufactured home park owner within such 90-day period and approval by the home park owner of such rental application from the subtenant. (*Patron: Torian*)

HB 1267 Land bank entities; planning district commissions.

Amends §§ 15.2-7500, 15.2-7502, and 15.2-7512 of the Code of Virginia, to permit localities to designate a planning district commission to carry out the functions of a land bank entity. Currently, localities may create an authority or designate certain existing nonprofit organizations to carry out the functions of a land bank entity. (*Patron: Hodges*)

HB 1342 Virginia Residential Property Disclosure Act; required disclosures, lead pipe.

Amends § 55.1-703 of the Code of Virginia and to repeal § 55.1-705 of the Code of Virginia, to add to the disclosure statement required to be furnished to the buyer by the owner of residential real property that the buyer beware and exercise necessary due diligence (i) with respect to whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of “lead free” and (ii) with respect to the existence of defective drywall on the property. (*Patron: Askew*)

HB 1369 Land bank entities; conflict of interests.

Amends § 15.2-7505 of the Code of Virginia, to replace an existing conflict of interests standard for members of the board and employees of a land bank entity by providing that, with regard to any contract or proposed

contract for materials to be furnished to or used by the land bank entity, such members and employees are subject to the State and Local Government Conflict of Interests Act. (*Patron: Leftwich*)

Miscellaneous

HB 117 / SB 127 Virginia Geographic Information Network Advisory Board; increases membership.

Amends § 2.2-2423 of the Code of Virginia, to add two county, city, town, or regional government geographic information system (GIS) directors or managers as members of the Virginia Geographic Information Network Advisory Board. (*Patrons: Wright and Suetterlein*)

HB 949 / SB 689 Alcoholic beverage control; privileges of local special events licensees.

Amends § 4.1-206 of the Code of Virginia, to change the provision limiting local special events licenses from 12 to 16 special events per year, and provides that the duration of any special event shall not exceed three consecutive days. (*Patrons: Webert and Vogel*)

SB 977 Local governing body meetings; public comment, during a regular meeting at least quarterly.

Amends § 15.2-1416 of the Code of Virginia to require a governing body to provide members of the general public with the opportunity for public comment during a regular meeting at least quarterly. (*Patron: Suetterlein*)

CONTINUED TO 2021

HB 7 Virginia Fair Housing Law; unlawful discriminatory housing practices.

A BILL to amend and reenact §§ 36-96.3 and 36-96.17 of the Code of Virginia, to prohibit any locality, its employees, or its appointed commissions from discriminating (i) 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, sexual orientation, gender identity, sex, elderliness, familial status, or handicap or (ii) in the permitting of housing developments 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, unless at the time of the municipal decision, a proposed development will be located in a census tract wherein more than 50 percent of the units serve families or individuals at or below 80 percent of the median income of the area. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action. (*Patron: Bourne*)

HB 73 Virginia Housing Development Authority; power to make loans, etc.

A BILL to amend and reenact §§ 36-55.31 and 36-55.33:1 of the Code of Virginia, to permit the Virginia Housing Development Authority (HDA) to make mortgage loans, including federally insured mortgage loans, to finance the purchase or refinancing of single-family residential housing and to make payments on the homeowner's student loan debt, upon the terms and conditions set forth in the bill. The bill also gives the HDA authority to promulgate additional terms and conditions related to such loans. The bill includes technical changes. (*Patron: Kory*)

HB 148 Housing; notice of educational opportunities for homeowners.

A BILL to amend and reenact § 36-139 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 7 of Title 55.1 a section numbered 55.1-715, to require the Director of the Department of Housing and Community Development to prepare a notice form, to be made available on the

Department's website, for signature by the parties to a contract for the sale of residential real estate, advising the purchaser to avail himself of educational programs established, administered, or promoted by the Director. The bill also requires that the owner of residential real property provide such notice to the purchaser prior to the ratification of a real estate purchase contract. (*Patron: Samirah*)

HB 672 State, regional, and local planning; climate change.

A BILL to amend and reenact §§ 15.2-2200, 15.2-2223, 15.2-2283, 15.2-2284, and 15.2-4209 of the Code of Virginia and to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, to establish a policy of the Commonwealth to prevent and to minimize actions that contribute to the detrimental effects of climate change in the Commonwealth. The bill requires any state agency to examine any new regulation in furtherance of this policy. The bill requires local and regional planning commissions to consider the impacts from and causes of climate change in adopting a comprehensive plan, regional strategic plan, or zoning ordinance. (*Patron: Willett*)

HB 765 Zoning; affordable housing, residential district classification.

A BILL to amend and reenact § 15.2-2280 of the Code of Virginia, to provide that a locality, within the residential district classifications of its zoning ordinance, may include districts specifically designated for affordable housing. (*Patron: Orrock*)

HB 947 Green development zones; investments in green technologies.

A BILL to amend and reenact § 58.1-3854 of the Code of Virginia, to provide that a locality may grant tax incentives to businesses located in a green development zone that invest in green technologies. Under current law, such incentives may be granted only to green development businesses located in a green development zone or businesses operating in an energy-efficient building located in a green development zone. (*Patron: Webert*)

HB 1052 Telecommunications services; provision by local governments.

A BILL to amend and reenact §§ 2.2-3705.6, 2.2-3711, 15.2-1500, 15.2-2108.2 through 15.2-2108.5, 15.2-2108.9 through 15.2-2108.12, 15.2-2108.14 through 15.2-2108.17, 15.2-2109, 15.2-2403, 15.2-2419, 15.2-5431.2, 15.2-5431.35, 56-265.4:4, 56-479.2, 56-484.7:1, 56-484.7:2, and 56-484.7:4 of the Code of Virginia and to repeal §§ 15.2-2108.6, 15.2-2108.7, 15.2-2108.8, 15.2-2108.13, and 15.2-2160 of the Code of Virginia, to authorize any locality to provide any telecommunications service, including cable television services, Internet, broadband, telephone service, and wireless Internet service, within its boundaries, after holding a public hearing, adopting a resolution, and obtaining approval from the State Corporation Commission. The measure eliminates existing provisions that (i) prohibit cross-subsidization of such services, (ii) require feasibility studies, (iii) prevent a locality from charging less than an incumbent provider, and (iv) limit the types of localities, by population and whether they provide electric utility service, that may qualify to offer such services. (*Patron: Levine*)

HB 1171 Solar farms; annual report of acreage, report.

A BILL to amend the Code of Virginia by adding a section numbered 45.1-391.1, to direct the Virginia Solar Energy Center to compile an annual report that lists (i) the total acreage of solar farm or utility-scale solar facility development projects completed in the prior calendar year and (ii) the total acreage of qualified donations of less-than-fee interests accepted by any public or private conservation agency, as reported by the Department of Conservation and Recreation pursuant to existing law. The Center is required to submit the report by December 15 of each year to the Chairmen of the House Committee on Appropriations, House Committee on Finance, and Senate Committee on Finance. (*Patron: Poindexter*)

HB 1516 Landlord and tenant; certain owners of residential rental property.

A BILL to amend and reenact § 36-139 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 36-139.9 and 55.1-1211.1, to create the Virginia Residential Rental Property Registry, to be developed and maintained by the Department of Housing and Community Development. Every owner of residential property on which three or more dwelling units are offered for rent is required to submit certain information to be placed on the Registry. Failure to properly register or maintain updated registry information is subject to a civil penalty of \$50 per unit for the first day and \$50 for each additional day of noncompliance, to be levied by the Department. The bill also requires such property owners to appoint and continuously maintain an agent who (i) is available to be contacted 24 hours a day and (ii) works or resides not more than 25 miles from any such property. The contact phone number of such agent is required to be posted in any residential building on any such property in a conspicuous manner for use by the tenants. *(Patron: McQuinn)*

HB 1697 Broadband service providers; fiber optic broadband lines, railroad crossings.

A BILL to amend 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: Byron)*

SB 97 Virginia Fair Housing Law; unlawful discriminatory housing practices, effective clause.

A BILL to amend and reenact §§ 36-96.3 and 36-96.17 of the Code of Virginia, to provide 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, or handicap. The bill also 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, because a 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, unless the location of a development or proposed development is, at the time of municipal decision, within a census tract wherein more than 50 percent of the residential units house families or individuals at or below 80 percent of the area median income. The provisions of the bill are contingent on funding in a general appropriation act. *(Patron: McClellan)*

SB 536 Incentives for telecommunications companies; provision of wireless broadband services.

A BILL to amend the Code of Virginia by adding a section numbered 3.2-3108.1, to direct the Tobacco Region Revitalization Commission to award at least \$50 million per year in grants to cover expenditures for the purchase and installation of wireless and broadband

equipment to rural service areas in the Commonwealth. The bill defines “rural service areas” as any locality with a mean broadband download speed of less than 10 megabits per second, and a mean broadband upload speed of less than one megabit per second. (*Patron: Edwards*)

SB 826 Water and sewer service charges; tenant or lessee.

A BILL to amend and reenact § 15.2-2119.4 of the Code of Virginia, to reduce the maximum potential responsibility of a property owner for a tenant’s unpaid water and sewer charges by capping the dollar amount of such property owner’s responsibility at \$300. (*Patron: McDougale*)

FAILED LEGISLATION

HB 151 Accessory dwelling units; development and use.

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2292.2, to provide that all localities shall allow for the development and use of one accessory dwelling unit (ADU) per single-family dwelling (SFD), notwithstanding any contrary provision of a zoning ordinance. The bill defines “accessory dwelling unit” or “ADU” as an independent dwelling unit on a single-family lot with its own living, bathroom, and kitchen space that may be within or attached to SFDs or in detached structures on lots containing SFDs. ADUs may include basements, attics, flats, guest houses, cottages, and converted structures such as garages and sheds. The bill requires localities to regulate the size and design of ADUs through an approval process, as well as regulate fees, parking, and other requirements, provided that the regulations (i) are not so arbitrary, excessive, or burdensome, individually or cumulatively, as to unreasonably restrict the ability of property owners to utilize or create ADUs and (ii) do not require the property owner to occupy the ADU or SFD as his primary residence. VACo opposed the bill. (*Patron: Samirah*)

HB 152 Single-family residential use; middle housing allowed on lots zoned for units.

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2292.2, to require all localities to allow development or redevelopment of “middle housing” residential units upon each lot zoned for single-family residential use. Middle housing is defined as two-family residential units, including duplexes, townhouses, cottages, and any similar structure. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized residential uses. Localities may regulate the siting, design, and environmental standards of middle housing residential units, including setback requirements, provided that the regulations do not, individually or cumulatively, discourage the development of all two-family housing types permitted through unreasonable costs or delay. VACo opposed the bill (*Patron: Samirah*)

HB 296 Towns; transition to cities.

A BILL to amend and reenact § 15.2-3201 of the Code of Virginia, to make an exception to the current moratorium on the granting of new city charters by allowing towns with a population of greater than 50,000 that are transitioning to city status to seek a city charter. The bill contains a technical amendment. (*Patron: Gooditis*)

HB 413 Subdivision ordinance; energy efficiency and renewable energy provisions.

A BILL to amend and reenact § 15.2-2242 of the Code of Virginia, to authorize a local governing body to include in its subdivision ordinance provisions for establishing minimum standards of energy efficiency and establishing and maintaining access to sources of renewable energy. (*Patron: Delaney*)

HB 492 Martinsville, City of; city reversion.

A BILL to require approval from the City of Martinsville voters before the city can revert to town status. (*Patron: Marshall*)

HB 493 Henry County; city reversion.

A BILL to require approval from the Henry County voters before the city can revert to town status. (*Patron: Marshall*)

HB 494 City reversion to town status; increases required vote of a city council.

A BILL to amend and reenact § 15.2-4101 of the Code of Virginia, to increase the required vote of a city council initiating a city reversion process from a majority to a three-fourths vote of the all members. (*Patron: Marshall*)

HB 545 Inclusionary housing; zoning.

A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 11 of Title 15.2 a section numbered 15.2-1134, to require cities and towns in the Commonwealth to develop and promulgate housing plans that address the supply of safe, sanitary, and affordable shelter for all current and anticipated residents of their communities. Such plans must connect economic development efforts that bring new jobs to the supply of safe, sanitary, and affordable shelter for all who will fill those jobs; the location of housing and the location of mobility resources; and the availability of accredited high-quality affordable education, parks, indoor and outdoor recreation, libraries, health care, and healthy living resources, including the availability of fresh food. Such housing plans shall be reviewed and revised no less frequently than every five years. Cities and towns that promulgate a housing plan may create, implement, and enforce inclusionary housing programs applicable to new housing development and conversions of previously nonresidential uses into residential uses. Counties utilizing the urban county executive form of government (Fairfax County) or the county manager plan of government (Arlington County) may also follow and use these provisions to provide inclusionary housing. (*Patron: Carr*)

HB 636 Town residents; provision of county services.

A BILL to amend the Code of Virginia by adding in Chapter 1 of Title 15.2 a section

numbered 15.2-111 to require a county to provide the same and equal services to residents of incorporated towns within the county as are provided to other residents of the county. However, if the local governing body of a town adopts a resolution that provides that the town shall provide a specific service and sends a copy of the resolution to the local governing body of the county, a county shall not be required to provide that service to town residents. VACo opposed the bill. (*Patron: LaRock*)

HB 1104 Inclusionary housing; localities may create, etc., programs.

A BILL to amend the Code of Virginia by adding a section numbered 15.2-959.1, to provide that localities may create, implement, and enforce inclusionary housing programs applicable to new housing development and to conversions of previously non-residential uses into residential uses. A locality establishing an inclusionary housing ordinance shall define the term “affordable” according to the needs of the residents of that locality and shall ensure that the program is consistent with the locality’s comprehensive plan and any other local or regional housing plans applicable to the locality. The program shall further one or more of several specified goals and may offer a variety of incentives, such as density bonuses and financial incentives. In developing and adopting such housing programs, the locality shall create an advisory committee and actively seek input from citizens, developers of residential and mixed-use property, real estate professionals, historic preservation professionals, redevelopment and housing professionals, anti-poverty advocates, planners, urban design professionals, and finance professionals. To the greatest extent possible, adopted programs should rely on market-based approaches to providing and maintaining inclusionary dwelling units. (*Patron: Hudson*)

HB 1242 / SB 351 Broadband service; authority of localities to provide.

A BILL to amend and reenact § 15.2-1500 of the Code of Virginia, to provide that any locality

may establish any department, office, board, commission, agency, or other governmental division or entity that has authority to offer telecommunications, Internet access, broadband, information, and data transmission services. (*Patrons: Heretick and Lucas*)

HB 1264 Nonpublic service companies, certain; conveyance of right-of-way usage.

A BILL to amend and reenact § 2.2-1151.1 of the Code of Virginia, to allow a 501(c)(4) social welfare organization to obtain a land use permit from the Department of Transportation to use rights-of-way to operate a wholesale open-access fiber network. (*Patron: Hodges*)

HB 1474 Short-term rentals; regulation by locality.

A BILL to require any ordinance adopted by the governing body of any locality relating to regulation of short-term rentals to comply with various provisions related to the short-term rental of property, including limits on (i) the total number of nights permitted for short-term rental on the short-term rental operator's property and (ii) the number of short-term rental properties owned by any one person or entity. The bill also requires such ordinance to comply with various Code of Virginia provisions related to zoning enforcement, the Uniform Statewide Building Code (§ 36-97 et seq.), real estate licensing, common interest communities, and covered entities otherwise regulated by localities. (*Patron: McGuire*)

HB 1685 Short-term rentals; no locality shall require a person to register, etc.

A BILL to amend and reenact § 15.2-983 of the Code of Virginia, to provide that no locality shall require a person to register a short-term rental pursuant to the locality's land use and zoning authority if the person meets certain criteria set out in the bill. (*Patron: Knight*)

SB 314 Grandfathering certain nonconforming use; removes certain requirement.

A BILL to amend and reenact Chapter 707 of the Acts of Assembly of 2019, to remove the

requirement that in order for a wall build on residential property to be grandfathered as a valid nonconforming use, the residential property owner must have been informed by a local official that such wall required no permit. (*Patron: Stanley*)

SB 342 Virginia Residential Property Disclosure Act; disclosure of special flood hazard area to purchaser,

A BILL to amend and reenact § 55.1-703 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 55.1-708.1 and 55.1-1219.1, to require the owner of residential real property who has actual knowledge that the property is located in one or more special flood hazard areas to provide a written disclosure when selling the property. Under current law, the owner is required to advise the buyer to exercise due diligence prior to purchasing the property. The bill also requires landlords who have actual knowledge that the residential dwelling unit is on property that is located in a special flood hazard area to disclose that information to the prospective tenant. If a tenant is not provided such disclosure within 60 days of discovery that the residential dwelling unit is on property that is located in a special flood hazard area, he may terminate the lease. This bill is a recommendation of the Virginia Housing Commission. (*Patron: Locke*)

SB 778 Housing; extension of approvals to address crisis.

A BILL to amend and reenact § 15.2-2209.1 of the Code of Virginia and the third enactment of Chapter 508 of the Acts of Assembly of 2012, as amended by Chapter 509 of the Acts of Assembly of 2013 and Chapter 660 of the Acts of Assembly of 2017, to extend the sunset date for several measures related to various land use approvals from July 1, 2020, to July 1, 2023. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2020. (*Patron: Lewis*)

SB 800 Real property; tax exemption for certified pollution control equipment and facilities.

A BILL to amend and reenact § 58.1-3660 of the Code of Virginia, to advance the sunset date of the real property tax exemption for solar photovoltaic (electric energy) projects greater than 20 megawatts from 2024 to 2021. VACo supported the bill (*Patron: Lewis*)

SB 839 Zoning; permitted provisions in ordinance, worker protection.

A BILL to amend and reenact § 15.2-2286 of the Code of Virginia, to authorize a locality to include in its zoning ordinance certain conditions as part of the grant of a special exception that permits development at a floor area ratio (FAR) greater than 1.0 or 25 units per acre, or requires the construction of or improvements to public facilities, public roads, or other publicly owned or managed areas. Such conditions may require a developer, directly or through its contractors, to enter into binding contractual commitments that provide certain protections for the skilled and unskilled workers hired to build the development project. (*Patron: Ebbin*)

SB 1037 Freestanding medical facilities; special use permits.

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2288.8, to provide that no ordinance of a city whose governing body appoints all of the members of a hospital authority shall require that a special exception, special use, or conditional use permit be obtained for the development and construction of a freestanding medical facility on property where such use is permitted by right under the local zoning ordinance. (*Patron: Lewis*)

EDUCATION

PASSED LEGISLATION

School Safety

HB 74 / SB 619 Public schools; mental health awareness training required.

Amends the Code of Virginia by adding a section numbered 22.1-298.6, to require each school board to adopt and implement policies that require each teacher and other relevant personnel, as determined by the school board, to complete a mental health awareness training program. (*Patrons: Kory and Deeds*)

HB 270 Public schools; lock-down drills, notice to parents.

Amends § 22.1-137.2 of the Code of Virginia, to require every public school to provide the parents of enrolled students with at least 24 hours' notice before the school conducts any lock-down drill. No such notice is required to include the exact date and time of the lock-down drill. (*Patron: VanValkenburg*)

HB 271 / SB 170 Public schools; school resource officers and school security officers, data.

Amends § 9.1-184 of the Code of Virginia and amends the Code of Virginia by adding a section numbered 22.1-279.10, to require the Department of Criminal Justice Services, to annually collect, report, and publish data related to incidents involving students and school resource officers. The Virginia Center for School and Campus Safety shall analyze and disseminate submitted data. (*Patrons: VanValkenburg and Locke*)

HB 292 / SB 221 School boards and local law-enforcement agencies; memorandums of understanding, frequency of review.

Amends § 22.1-280.2:3 of the Code of Virginia, to shorten from every five years to every two years the frequency of the review

period for memorandums of understanding between school boards and local law-enforcement agencies, among other provisions. (*Patrons: VanValkenburg and Locke*)

HB 402 Public schools; lock-down drills, frequency, exemptions.

Amends § 22.1-137.2 of the Code of Virginia, to require every public school to hold at least one lock-down drill after the first 60 days of the school session, in addition to the two lock-down drills required to be held during the first 20 days of the school session at each such school. The legislation exempts kindergarten and kindergarten students from mandatory participation in lock-down drills during the first 60 days of the school session, among other provisions. (*Patron: Keam*)

HB 999 School board policies; epinephrine, accessibility.

Amends § 22.1-274.2 of the Code of Virginia, to require each school board's policies on the possession and administration of epinephrine in every school in the local school division require that at least one employee of the school board, employee of a local governing body, or other certain employees have the means to access at all times during regular school hours any such epinephrine that is stored in a locked or otherwise generally inaccessible container or area. (*Patron: Bell*)

HB 1419 / SB 171 School resource officers and school security officers; training standards.

Amends § 9.1-102 of the Code of Virginia, to require school resource officers and school security officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment that includes certain provisions. (*Patrons: Jones and Locke*)

HB 1495 / SB 54 Virginia Retirement System; retired law-enforcement officers employed as school resource officers.

Amends § 51.1-155 of the Code of Virginia, to allow 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, so long as he has a break in service of at least 12 calendar months between retirement and reemployment, among other provisions. (*Patrons: Torian and Cosgrove*)

SB 594 Public School Security Equipment Grant Act of 2013; eligible security equipment.

Amends § 22.1-280.2:2 of the Code of Virginia, to classify security-related devices located outside of the school building on school property and security-related devices located on school buses as eligible security equipment under the Public School Security Equipment Grant Act of 2013. (*Patron: Hanger*)

SB 595 Public School Security Equipment Grant Act of 2013; eligible security equipment, vaping detectors.

Amends § 22.1-280.2:2 of the Code of Virginia, to classify vaping detectors as eligible security equipment under the Public School Security Equipment Grant Act of 2013. (*Patron: Hanger*)

School Facilities and Modernization

HB 797 / SB 392 Local school boards; lead testing, report, parental notification.

Amends § 22.1-135.1 of the Code of Virginia, to require each local school board's plan to test and remediate certain potable water sources to be consistent with guidance published by the U.S. Environmental Protection Agency or the Department of Health and to submit such testing plan and report the results of any such test to the Department of Health as well as notify parents if testing results indicate lead contamination that exceeds 10 parts per billion. (*Patrons: Askew and McPike*)

HB 799 / SB 393 Child day programs; lead testing, potable water, effective date.

Amends the Code of Virginia by adding a section numbered 63.2-1705.1, to require licensed child day programs and certain

other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority, among other provisions. (*Patrons: Askew and McPike*)

SB 410 Public school buildings; school board shall maintain water mgmt. program to prevent Legionnaires'.

Amends § 22.1-138 of the Code of Virginia to require each school board to maintain a water management program for the prevention of Legionnaires' disease at each public-school building in the local school division, among other provisions. (*Patron: Hashmi*)

SB 845 School buildings, public; mold testing, effective date.

Amends § 22.1-138 of the Code of Virginia, to require each local school board to develop and implement a plan to test and, if necessary, a plan to remediate mold in public school buildings in accordance with guidance issued by the U.S. Environmental Protection Agency, among other provisions. The bill has an effective date of July 1, 2021. (*Patron: Ebbin*)

SB 888 School Construction and Modernization, Commission on; established, report.

Amends the Code of Virginia by adding in Title 30 a chapter numbered 60, to establish the Commission on School Construction and Modernization for the purpose of providing guidance and resources to local school divisions related to school construction and modernization and making funding recommendations to the General Assembly and the Governor. (*Patron: McClellan*)

Tax Related

HB 200 / SB 943 Mecklenburg County; additional sales and use tax, appropriations to incorporated towns.

Amends § 58.1-605 of the Code of Virginia, to authorize Mecklenburg 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 renovation of schools in Mecklenburg County. Under current law, only Halifax County has the authority to impose such taxes and make such appropriations. (*Patrons: Wright and Ruff*)

HB 486 Henry and Pittsylvania Counties and City of Danville; additional sales and use tax.

Amends § 58.1-605 of the Code of Virginia, to authorize Henry County, Northampton County, Patrick County, Pittsylvania County, and the City of Danville 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 renovation of schools in Henry County, Northampton County, Patrick County, Pittsylvania County, and the City of Danville. Under current law, only Halifax County has the authority to impose such taxes and make such appropriations. (*Patron: Marshall*)

HB 1631 Charlotte County; additional sales and use tax imposed.

Amends § 58.1-605 of the Code of Virginia, to authorize Charlotte 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 renovation of schools in Charlotte County. Under current law, only Halifax County has the authority to impose such taxes and make such appropriations. (*Patron: Edmunds*)

SB 224 Gloucester County; additional sales and use tax, appropriations to incorporated towns.

Amends § 58.1-605 of the Code of Virginia, to authorize Gloucester 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 renovation of schools in Gloucester County. Under current law, only Halifax County has the authority to impose such taxes and make such appropriations. (*Patron: Norment*)

SB 1028 Northampton County; additional sales and use tax, appropriations to incorporated towns.

Amends § 58.1-605 of the Code of Virginia, to authorize Northampton 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 renovation of schools in Northampton County. Under current law, only Halifax County has the authority to impose such taxes and make such appropriations. (*Patron: Lewis*)

Educational Workforce and Staffing Ratios

HB 351 / SB 324 School bus drivers; critical shortages.

Amends § 22.1-70.3 of the Code of Virginia, to require the Superintendent of Public Instruction, with the assistance of each school board or division superintendent, to survey each local school division to identify critical shortages of school bus drivers by geographic area and local school division and to report any such critical shortage to each local school division and to the Virginia Retirement

System. Any school bus driver hired by a local school board in any geographic area or school division in which a critical shortage of school bus drivers has been so identified may elect to continue to receive a service retirement allowance during such employment under certain other conditions. (*Patrons: Bell and Deeds*)

HB 365 / SB 98 Public elementary & secondary school teachers; probationary term of service, performance evaluation.

Amends § 22.1-303 of the Code of Virginia, to remove (i) the option for local school boards to extend the three-year probationary term of service for teachers by up to two additional years and (ii) the prohibition against school boards reemploying any teacher whose performance evaluation during the probationary term of service is unsatisfactory. (*Patrons: Carroll Foy and Locke*)

HB 376 Teacher and support staff shortages; data, reporting.

Amends the Code of Virginia by adding a section numbered 22.1-290.2, to require (i) each school board to report to the Department of Education annually the number and type of teacher, other instructional personnel, and support staff vacancies in the school division and (ii) each approved education preparation program to report to the Department of Education annually the number of individuals who completed the program by endorsement area. The Department of Education shall aggregate and report such data annually on the Department's website. (*Patron: Willett*)

HB 392 School boards; applicants for employment, criminal history.

Amends § 22.1-296.1 of the Code of Virginia, to prohibit each school board from employing any individual who has been convicted of a violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02 of the Code of Virginia or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child. Permits each school board to

employ any individual who has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of § 19.2-392.02 of the Code of Virginia and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, such individual has had his civil rights restored by the Governor. Current law provides that any felony conviction is a bar to employment and contract work in public schools. (*Patron: Ward*)

HB 405 / SB 232 Menstrual supplies; school boards shall make available in each school building.

Amends the Code of Virginia by adding a section numbered 22.1-6.1, to require each school board to make tampons or pads available, at all times and at no cost to students, among other provisions. (*Patrons: Keam and Boysko*)

HB 570 / SB 167 Teachers, public school; grounds for dismissal.

Amends § 22.1-307 of the Code of Virginia, to remove the definition of "incompetency" for the purpose of establishing grounds for the dismissal of public-school teachers. (*Patrons: Guzman and Favola*)

HB 975 / SB 910 Standards of Quality; state funding, ratios of teachers to English language learners.

Amends § 22.1-253.13:2 of the Code of Virginia, to require, effective with the 2020-2021 school year, state funding to be provided pursuant to the general appropriation act to support 18.5 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency and, effective with the 2021-2022 school year, 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. Current law requires state funding to support 17 such positions for each 1,000 such students. (*Patrons: Guzman and Hashmi*)

HB 1143 Local school boards; support services positions, licensed behavior analysts.

Amends § 22.1-253.13:2 of the Code of Virginia, to include licensed behavior analysts and licensed assistant behavior analysts as support services positions in a local school division for the purposes of Title 22.1 (Education). (*Patron: Tran*)

HB 1443 Teachers; biennial compensation review, report.

Amends § 22.1-289.1 of the Code of Virginia, to require the Department of Education to conduct a biennial review of teacher compensation that takes into consideration the Commonwealth's compensation for teachers relative to the national average teacher salary. (*Patron: VanValkenburg*)

HB 1508 / SB 880 School counselors; minimum staffing ratio.

Amends § 22.1-253.13:2 of the Code of Virginia, to require local school boards to employ school counselors for the 2020-2021 school year at a counselor to student ratio of 1:375 in elementary schools, 1:325 in middle schools, and 1:300 in high schools. The legislation requires local school boards enact a ratio of 1:325 in all grades effective with the 2021-2022 school year. ***The 2020 Appropriations Act unallots the required state share of funding for the provisions of this bill, and maintains the current FY 2020 ratios.*** (*Patrons: McQuinn and Locke*)

HB 1613 Public school teachers; technical professional licenses, eligibility criteria.

Amends the Code of Virginia by adding a section numbered 22.1-299.8 to require the Board of Education to permit any individual who seeks a technical professional license to substitute the completion of a three-year program of professional development for the nine semester hours of professional studies required for such license. (*Patron: Brewer*)

HB 1630 Public schools; extension of provisional teacher licensure.

Amends § 22.1-298.1 of the Code of Virginia, to permit any school board and division superintendent to extend from three months to six months the period within which the provisional license of an individual seeking initial teacher licensure who has not completed professional assessments will expire, among other provisions. (*Patron: Kilgore*)

HB 1653 School counselors; staffing ratios, report.

Requires the Department of Education to collect data from school boards regarding their ability to fill school counselor positions, among other provisions. (*Patron: Wilt*)

SB 377 Teacher grievance procedures; hearing, three-member fact finding panel.

Amends § 22.1-311 of the Code of Virginia to permit a school board to conduct a teacher grievance hearing before a three-member fact-finding panel consisting of one member selected by the teacher, one member selected by the division superintendent, and an impartial hearing officer selected by the other two panel members to serve as the chairman of the panel, among other provisions. (*Patron: Bell*)

SB 680 Teachers in certain schools for students with disabilities; extension of provisional licenses.

Amends § 22.1-299 of the Code of Virginia, to require the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in a school for students with disabilities that is licensed by the Board upon receiving from the school administrator of such school a recommendation for such extension, among other provisions. (*Patron: Mason*)

Other

HB 145 / SB 161 Public elementary and secondary schools; treatment of transgender students, policies.

Amends the Code of Virginia by adding a section numbered 22.1-23.3, to require the Department of Education to develop and make available to each school board, no later than December 31, 2020, model policies concerning the treatment of transgender students in public elementary and secondary schools, among other provisions. (*Patrons: Simon and Boysko*)

HB 308 Students; DOE to establish guideline for excused absence due to mental and behavioral health.

Requires the Department of Education to establish and distribute to each school board no later than December 31, 2020, guidelines for the granting of excused absences to students who are absent from school due to mental or behavioral health and requires any student who is absent from school due to his mental or behavioral health to be granted an excused absence, subject to such guidelines. (*Patron: Hope*)

HB 368 / SB 275 Public schools; enrollment, certain children placed in foster care.

Amends § 22.1-3.4 of the Code of Virginia, to specify that several provisions of law relating to the public school enrollment of children placed in foster care apply to any pupil who was in foster care when he reached age 18 but who has not yet reached age 22. (*Patrons: Carroll Foy and Barker*)

HB 415 Discipline; suspension, access to graded work during and after suspension.

Amends §§ 22.1-277 of the Code of Virginia to require school boards to adopt policies and procedures to ensure suspended students are able to access and complete graded work during and after the suspension. (*Patron: Delaney*)

HB 516 / SB 112 High school graduation; standard diploma requirements, etc.

Amends § 22.1-253.13:4 of the Code of Virginia, to require the Board of Education to include in its graduation requirements the options for students to complete a dual enrollment course or high-quality work-based learning experience. (*Patrons: Bulova and Suetterlein*)

HB 697 School meals; adoption of policies.

Amends § 22.1-79.7 of the Code of Virginia to require each local school board to adopt policies that prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to throw away or discard a meal after it has been served to him. (*Patron: Roem*)

HB 698 School boards; distribution of excess food.

Amends Code of Virginia by adding a section numbered 22.1-207.3:1 to allow public school boards to distribute excess food to students eligible for the School Breakfast Program or National School Lunch Program administered by the U.S. Department of Agriculture or to students who the school board determines are otherwise eligible to receive excess food, among other provisions. (*Patron: Roem*)

HB 703 School meal debt; donations.

Amends § 22.1-79.7 of the Code of Virginia, to permit any school board to solicit and receive any donation or other funds for the purpose of eliminating or offsetting any school meal debt at any time and requires each school board to use any such funds solely for such purpose. (*Patron: Roem*)

HB 817 Public schools; use of digital devices.

Requires the Department of Education, in collaboration with the Department of Health and medical professional societies, to develop and distribute health and safety best practice guidelines for the use of digital devices in public schools no later than the 2021-2022 school year. (*Patron: Hope*)

HB 836 Microcredentials; DOE to develop a plan to adopt, etc.

Requires the Department of Education to develop a plan to adopt and implement standards for microcredentials used toward add-on endorsements and renewal of licenses earned by Virginia license holders in science, technology, engineering, and mathematics (STEM) fields, among other provisions. (*Patron: Carroll Foy*)

HB 928 Chesterfield County School Board; recovery high school to be established.

Permits the Chesterfield County School Board to establish a recovery high school in the school division as a year-round high school (i) for which enrollment is open to any high school student who resides in Superintendent's Region 1 and is in the early stages of recovery from substance use disorder or dependency, among other provisions. (*Patron: Coyner*)

HB 973 / SB 600 Elementary and secondary schools, etc.; repealing several Acts relating to racial segregation.

Repeals several Acts of Assembly from 1901 to 1960 that contain provisions relating to the racial segregation of students in elementary and secondary schools and institutions of higher education in the Commonwealth. (*Patrons: VanValkenburg and Lucas*)

HB 1012 / SB 578 Early childhood care and education; establishment of system, definitions, licensure.

Amends §the Code of Virginia by adding in Title 22.1 a chapter numbered 14.1, containing articles numbered 1 through 8, to require the Board of Education to establish a statewide unified public-private system for early childhood care and education in the Commonwealth to be administered by the Board of Education, the Superintendent of Public Instruction, and the Department of Education. The legislation transfers the authority to license and regulate child day programs and other early child care agencies from the Board of Social Services and

Department of Social Services to the Board of Education and Department of Education. The legislation has a delayed effective date of July 1, 2021. The legislation also requires the Board of Education to establish, no later than July 1, 2021, a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of certain publicly funded early childhood care and education providers and to publish the initial quality ratings under such system in the fall of 2023. (*Patrons: Bulova and Howell*)

HB 1073 Tobacco and nicotine vapor products; parental educational information.

Amends the Code of Virginia by adding a section numbered 22.1-273.3, to require each school board to annually provide parents of pupils in grades kindergarten through 12 information regarding the health dangers of tobacco and nicotine vapor products. The bill requires that the information provided be consistent with guidelines set forth by the Department of Education. (*Patron: Kory*)

HB 1208 Students, certain; waiver to access student transportation in certain cases.

Amends the Code of Virginia by adding a section numbered 22.1-176.2, to require each school board that provides for the transportation of students to establish a process to allow, on a case-by-case and space-available basis, any student whose parent is unable to provide adequate transportation for his child to attend school because the parent is providing necessary medical care to another family member. (*Patron: Tran*)

HB 1276 School boards; career and technical education, academic and career plans, contents.

Amends § 22.1-253.13:1 of the Code of Virginia, to require each school board to include, as part of each student's academic and career plan in the career and technical education curricula, a list from the Department of Education of (i) the top 100 professions in the Commonwealth

by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. (*Patron: O'Quinn*)

HB 1355 Community schools; establishment, community programs, etc.

Amends the Code of Virginia by adding a section numbered 22.1-199.7, to require the Department of Education to establish an interagency task force composed of state and local agencies and entities in the areas of early childhood development, health, social services, community engagement, family engagement, higher education, communities in schools, and workforce development for the purpose of developing a program for the establishment of community schools. (*Patron: Rasoul*)

HB 1426 School boards; availability of school meals to students, effective date.

Amends the Code of Virginia by adding a section numbered 22.1-79.7:1, to require each public elementary and secondary school to participate in the federal National School Lunch Program and the federal School Breakfast Program and to make meals available pursuant to such programs to any student who requests such a meal, regardless of whether such student has the money to pay for the meal or owes money for meals previously provided. The bill has a delayed effective date of July 1, 2021. (*Patron: Roem*)

HB 1491 Student voters; public high schools to provide Virginia voter registration information.

Amends the Code of Virginia by adding a section numbered 22.1-203.4, to require each public high school to provide to any enrolled student who is of voting age or access to Virginia voter registration information and applications, and the opportunity to complete such application during the normal course of the school day. (*Patron: Guy*)

HB 1680 Career and Technical Education Work-Based Learning Guide; Board of Education to review and revise.

Requires the Board of Education to review and revise, in consultation with certain stakeholders and no later than December 1, 2020, its Career and Technical Education Work-Based Learning Guide. (*Patron: Tyler*)

SB 238 Public schools; increases kindergarten instructional time.

Amends § 22.1-79.1 of the Code of Virginia, to increase from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten, beginning July 1, 2022, among other provisions. (*Patron: Barker*)

SB 933 "Students with limited or interrupted formal education;" DOE to develop statewide definition.

Requires the Department of Education to develop and adopt a common statewide definition for the term "students with limited or interrupted formal education" and to require local school divisions to report on the number of students who fall under such definition as part of the required data collection and reporting on average daily membership for the purposes of documenting any changes in such numbers over time, among other provisions. (*Patron: Favola*)

CONTINUED TO 2021

HB 40 Public schools; mental health break spaces, regulations.

Directs the Board of Education to amend its regulations to require that each public school create and maintain a mental health break space within the public school building. (*Patron: Samirah*)

HB 521 Education Improvement Scholarships Tax Credits; repealing tax credit.

Repeals Article 13.3 of Chapter 3 of Title 58.1 of the Code of Virginia, to repeal the Education

Improvement Scholarships Tax Credits.
(Patron: Bulova)

HB 634 School Divisions of Innovation; local assessments.

Amends the Code of Virginia by adding in Article 1.5 of Chapter 13 of Title 22.1 a section numbered 22.1-212.33, to allow 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 the Virginia Studies and Civics and Economics Standards of Learning assessments with local assessments that include performance-based assessments, among other provisions. Similar to SB 249.
(Patron: LaRock)

HB 694 Students in grades 6, 7, and 8; computer science/introduction to technology course required.

Amends the Code of Virginia by adding a section numbered 22.1-207.7, to require each student in grades six, seven, and eight, starting in the 2025–2026 school year, to complete at least one semester-long or year-long computer science elective course or introduction to technology course, among other provisions.
(Patron: Simonds)

HB 958 College and Career Readiness Steering Committee; Secretary of Education to establish.

Amends the Code of Virginia by adding in Chapter 13.2 of Title 22.1 a section numbered 22.1-253.13:11, to require the Secretary of Education to establish a 21-member College and Career Readiness Steering Committee, among other provisions. (Patron: Ayala)

HB 1031 Regional alternative education programs; funding.

Amends § 22.1-209.1:2 of the Code of Virginia, to require the funding transferred from the Department of Education to the relevant school divisions in support of a regional alternative education program to be based on each such school division's need for the current school year. (Patron: Adams, L.R.)

HB 1277 Public schools; Standards of Learning assessments.

Amends § 22.1-253.13:3 of the Code of Virginia, to reduce the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, as amended. Similar to SB 390.
(Patron: O'Quinn)

HB 1381 Special education; due process hearings, nonattorney representatives.

Amends § 22.1-214 of the Code of Virginia, to permit a school division and the parents of a child with a disability in the school division to be accompanied and advised by any nonattorney with special knowledge or training with respect to the needs of children with disabilities in any due process hearing before a hearing officer, among other provisions.
(Patron: Leftwich)

HB 1599 School boards; staffing ratios for librarians.

Amends § 22.1-253.13:2 of the Code of Virginia, to require school boards to employ librarians in accordance with the following ratios: in elementary schools, one part-time to 299 students, one full-time at 300 students, and two full-time at 700 students; in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 800 students, and three full-time at 1,700 students; and in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 900 students, and three full-time at 1,800 students.
(Patron: Roem)

HB 1633 Education, Board of; school modernization loan interest rate subsidy payments, eligibility.

Amends § 22.1-146.1 of the Code of Virginia, to require the Board of Education to establish a program to use Literary Fund proceeds to subsidize interest payments on certain loans made by the Virginia Public School Authority to local governing bodies and school boards for the design and construction of new school buildings and facilities or the modernization

and maintenance of existing school buildings and facilities, among other provisions. (*Patron: Edmunds*)

SB 366 Learning management system; Department of Education to obtain for public schools.

Directs the Department of Education to obtain a learning management system for use in public schools. (*Patron: Dunnavant*)

SB 367 Student growth measurement system; Department of Education to obtain an individualized system.

Directs the Department of Education to obtain a student growth measurement system for use in public schools. (*Patron: Dunnavant*)

FAILED LEGISLATION

HB 15 Public school buses; seat belts.

Amends § 22.1-177 of the Code of Virginia, to require the Board of Education to make regulations to require 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, among other provisions. (*Patron: Krizek*)

HB 86 Standards of Quality; local match for basic aid, debt service on projects in school divisions.

Amends the Code of Virginia by adding a section numbered 22.1-96.1, to permit any local school board that governs a school division in which the locality is designated as fiscally at-risk or fiscally distressed by the Appalachian Regional Commission and for which the composite index of local ability to pay is less than or equal to 0.2000 to expend up to 25 percent of the required local effort for basic aid for debt service on school building capital renovation or construction projects, among other provisions. (*Patron: Kilgore*)

HB 107 Human Resource Management, Department of; health insurance for local school board employees.

Amends § 2.2-1204 of the Code of Virginia, to allow local school boards to elect to have all of their employees and retirees, as well as the dependents of such employees and retirees, be eligible to participate in the state employee health insurance plan in lieu of the current state-administered local health insurance plan, among other provisions. (*Patron: Kilgore*)

HB 226 Students who receive home instruction; participation in interscholastic programs.

Amends the Code of Virginia by adding in Chapter 1 of Title 22.1 a section numbered 22.1-7.3, to prohibit public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction, among other provisions. (*Patron: Freitas*)

HB 231 Children with disabilities; alternative placements, state funds.

Amends the Code of Virginia by adding a section numbered 22.1-217.2, to require the parent of any child with a disability who is placed in a public school pursuant to his individualized education program who subsequently places his child in a nonpublic school setting to receive from the school board, upon request, the applicable Standards of Quality per pupil state funds appropriated for public school purposes, among other provisions. (*Patron: Freitas*)

HB 233 Teachers; required to be compensated at or above national average.

Amends § 22.1-289.1 of the Code of Virginia, to require public school teachers to be compensated at a rate that is at or above the national average, among other provisions. (*Patron: Mugler*)

HB 273 School boards; planning time and planning periods for elementary, middle, and high school teachers.

Amends § 22.1-291.1 of the Code of Virginia, to require each local school board to ensure that each elementary school teacher has an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day or the equivalent, which shall be at least 45 minutes or one class period, whichever is longer, among other provisions. Similar to SB 134. (*Patron: VanValkenburg*)

HB 399 Public education; state accountability and reporting, student subgroup size.

Amends § 22.1-253.13:3 of the Code of Virginia, to require, for the purposes of ensuring state accountability pursuant to relevant federal law and publicly reporting the assessment scores of student subgroups, the minimum student subgroup size to be 10. (*Patron: Keam*)

HB 424 School resource officers; required in every school.

Amends the Code of Virginia by adding a section numbered 22.1-279.10 to require each local school board to place a school resource officer in each public elementary and secondary school, among other provisions. (*Patron: McGuire*)

HB 527 Student assessments; language translation.

Amends § 22.1-253.13:3 of the Code of Virginia, to require each school board to establish a process for the translation of certain statutorily required student assessments and any accompanying assessment instructions into the native language of each student who will participate in such assessments. (*Patron: Kory*)

HB 678 Parental Choice Education Savings Accounts; established, report.

Amends the Code of Virginia by adding in Chapter 13 of Title 22.1 an article numbered 2.1, to permit the parents of certain children to

apply to the school division in which the child resides for a one-year, renewable Parental Choice Education Savings Account, among other provisions. (*Patron: LaRock*)

HB 693 School boards; paid maternity leave benefit policy.

Amends § 22.1-296 of the Code of Virginia, to require each school board to establish a paid maternity leave benefit policy to grant any mother who has been employed full time by the school board for at least two years and who gave birth to or adopted a child 12 weeks of paid sick leave, in addition to any other sick leave to which such individual is otherwise entitled, to care for such child, among other provisions. (*Patron: Simonds*)

HB 1085 Public schools; potable water.

Amends the Code of Virginia by adding a section numbered 22.1-135.2, to establish minimum requirements for the installation of water bottle filling stations and drinking fountains in new public school buildings, additions to existing public school buildings, and alterations to existing public school buildings estimated to cost \$50,000 or more. Similar to SB 299. (*Patron: Hayes*)

HB 1177 School board policies; homework assignments, Internet connection.

Amends § 22.1-79 of the Code of Virginia, to require each school board to establish a policy to prohibit any teacher in the school division from assigning to any student a homework assignment that requires the use of an Internet connection that is capable of transmitting information at a rate that is not less than 256 kilobits per second in at least one direction when such student lacks meaningful access to such an Internet connection. (*Patron: Poindexter*)

HB 1274 School Construction Fund and Program; created and established.

Amends the Code of Virginia by adding a section numbered 22.1-140.1, to establish the School Construction Fund as a special nonreverting fund in the state treasury for

the purpose of providing grants to school boards to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities, among other provisions. (*Patron: O'Quinn*)

HB 1316 Standards of Quality; work-based learning, teacher leaders and mentors, principal mentors.

Amends numerous sections of the Code of Virginia to make several changes to the Standards of Quality, in line with the 2019 recommendations from the Virginia Board of Education. Similar to SB 728. (*Patron: Aird*)

HB 1446 School buildings; assessment by local school board.

Amends § 22.1-253.13:8 of the Code of Virginia, to require any local school board in a local school division that a division-level corrective action plan, certain other conditions to annually assess each school building in the local school division for compliance with the Board of Education's minimum standards for school buildings and, in any case of noncompliance with such standards, provides that when the Board determines, that a local governing body has not provided the local school board sufficient funds to ensure compliance with the minimum standards for school buildings, the Board may petition the relevant circuit court to compel the local governing body to provide such funds to the local school board. (*Patron: Aird*)

HB 1557 Appointed school boards; members, salaries.

Amends § 22.1-32 of the Code of Virginia, to eliminate the annual salary limits for appointed school board members and permits any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments. (*Patron: Fowler*)

HB 1711 Virtual Virginia; availability in public elementary and middle schools.

Amends § 22.1-212.2 of the Code of Virginia, to expand the availability of the Virtual Virginia Program to public middle schools. (*Patron: Bagby*)

SB 4 Public School Assistance Fund and Program; created.

Amends the Code of Virginia by adding in Article 3 of Chapter 9 of Title 22.1 a section numbered 22.1-141.3 to create 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 elementary and secondary school buildings in the local school division, among other provisions. (*Patron: Stanley*)

SB 5 Board of Education; uniform minimum standards modern; public school buildings.

Amends § 22.1-138 of the Code of Virginia, to require the Board of Education to prescribe by regulation uniform minimum standards for the erection of modern public school buildings and the modernization of existing public school buildings for the purpose of promoting positive educational outcomes for each public elementary and secondary school student, among other provisions. (*Patron: Stanley*)

SB 6 Voter referendum; issuance of state general obligation bonds for school facility modernization.

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

SB 151 School personnel; staffing ratios, school nurses.

Amends § 22.1-253.13:2 of the Code of

Virginia, to exclude school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12. (*Patron: Stuart*)

SB 988 Electric utilities; electric school bus projects.

Amends the Code of Virginia by adding a section numbered 56-585.1:11, to authorize Dominion Energy Virginia to implement projects designed to encourage the proliferation of school buses that are fueled in whole or in part by electricity, along with associated charging and other infrastructure, for the purpose of transporting students and that may also serve as electric grid stabilization or peak shaving resources, among other provisions. (*Patron: Lucas*)

SB 1091 Volunteer school security officers; authorization by local school boards, etc.

Amends § 9.1-101 of the Code of Virginia, to authorize volunteer school security officers to carry firearms at schools in performance of their duties. (*Patron: Stanley*)

Environment and Agriculture

PASSED LEGISLATION

HB 22 / SB 320 Virginia Community Flood Preparedness Fund; loan and grant program.

Amends §§ 10.1-603.24 and 10.1-603.25 of the Code of Virginia, to continue the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund (the Fund), directs the Department of Conservation and Recreation to administer the Fund, and to authorize localities to lend or grant money from the Fund to implement flood prevention and protection projects and studies. (*Patrons: Lindsey and Lewis*)

HB 173 / SB 435 Waterfowl blinds; blinds in locality where certain hunting prohibited.

Directs the Department of Game and Inland Fisheries not to license any stationary waterfowl blind in any area of Hunting Creek, Little Hunting Creek, or Dogue Creek in which the local governing body prohibits by ordinance the hunting of birds with a firearm. (*Patrons: Krizek and Surovell*)

HB 193 Vehicles used for agricultural and farm purposes; other uses.

Amends §§ 46.2-665 and 46.2-698 of the Code of Virginia to authorize the use of vehicles exempt from vehicle registration and used exclusively for agricultural or horticultural purposes to transport the vehicle owner between his residence and the land where such agricultural or horticultural activities take place. (*Patron: Orrock*)

HB 234 Offshore Wind, Division of; established, report.

Amends §§ 45.1-161.5, 67-1208, and 67-1209 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 45.1-161.5:1, to establish the Division of Offshore Wind in the Department of Mines, Minerals and Energy (DMME). (*Patron: Mugler*)

HB 388 / SB 262 Hunting elk; special license created.

Amends the Code of Virginia by adding a section numbered 29.1-305.01, to authorize the Board of Game and Inland Fisheries to create a special license for hunting elk in the elk management zone that is required in addition to a general hunting license. (*Patrons: Edmunds and Chafin*)

HB 414 / SB 504 Virginia Energy Plan; covenants regarding solar power, reasonable restrictions.

Amends § 67-701 of the Code of Virginia to provide that a restriction on solar energy collection devices is not reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. (*Patrons: Delaney and Petersen*)

HB 443 Coal combustion residuals impoundment; closures in Giles and Russell Counties.

Amends the Code of Virginia by adding a section numbered 10.1-1402.04, to require the owner or operator of a coal ash pond or landfill at the Glen Lyn Plant and the Clinch River Plant in Giles and Russell Counties, respectively, to close such units and remove all residual substances for recycling or deposition in a permitted and lined landfill that meets certain federal standards. (*Patron: Carroll Foy*)

HB 449 Unlawful hunting, fishing, or trapping; prohibition upon conviction.

Amends §§ 29.1-338, 29.1-530.2, 29.1-546, and 29.1-550 of the Code of Virginia to provide that any person convicted of violating a hunting, fishing, or trapping law may also be prohibited by the court from hunting, fishing, or trapping for a period of one to five years. (*Patron: Fowler*)

HB 491 Industrial hemp; VDACS to convene work group to assess opportunities for development of industry.

Directs the Department of Agriculture and Consumer Services to convene a working group to assess the opportunities for development and manufacturing in the industrial hemp industry deliver a formal report by November 30, 2020 to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources. (*Patron: Marshall*)

HB 504 Chesapeake Bay Preservation Areas; preservation of mature trees.

Amends § 62.1-44.15:72 of the Code of Virginia, to add the preservation of mature trees or planting of trees, both as a water quality protection tool and as a means of providing other natural resource benefits, to the list of activities that the State Water Resources Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas. (*Patron: Hope*)

HB 520 Trees; DEQ to convene advisory to study planting or preservation, report.

Directs the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group, including local government representatives, for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP). (*Patron: Bulova*)

HB 533 Expanded polystyrene food service containers; definitions, prohibition on dispensing, civil penalty.

Amends §§ 10.1-1414 and 10.1-1422.01 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1424.3, to prohibit the dispensing by certain food vendors of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. This bill contains a reenactment clause. (*Patron: Carr*)

HB 534 / SB 11 Disposable plastic bags; local tax.

Amends the Code of Virginia by adding in Chapter 17 of Title 58.1 an article numbered 12, consisting of sections numbered 58.1-1745 through 58.1-1748 to authorize any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes, including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax. (*Patrons: Carr and Ebbin*)

HB 542 Regional water resource planning; State Water Control Board regulations.

Amends §§ 62.1-44.36, 62.1-44.38, and 62.1-44.38:1 of the Code of Virginia to direct the State Water Control Board to estimate the risk that each locality and region in the Commonwealth will experience water supply shortfalls, to encourage the development of cross-jurisdictional water supply projects, and to adopt regulations designating regional planning areas based primarily on river basins. (*Patron: Carr*)

HB 549 / SB 340 Overgrown vegetation; local authority.

Amends § 15.2-901 of the Code of Virginia, to authorize any locality within Planning District 23 to include provisions for cutting overgrown shrubs, trees, and other such vegetation in an ordinance requiring certain landowners to cut the grass, weeds, and other foreign growth on certain property. (*Patrons: Ward and Locke*)

HB 572 / HB 1184 / SB 710 Distributed solar & other renewable energy; sales of electricity under third-party agreements.

Amends §§ 56-594 and 67-102 of the Code of Virginia and § 1 of the first enactment of Chapters 358 and 382 of the Acts of Assembly of 2013, as amended by Chapter 803 of the Acts of Assembly of 2017, and adds a section numbered 56-585.1:11, to promote the establishment of distributed renewable solar and other renewable energy through seven measures. (*Patrons: Keam and Lopez and McClellan*)

HB 573 Community solar development pilot program; low-income communities.

Amends § 56-585.1:3 of the Code of Virginia, to require each incumbent electric utility to select for dedication to its community solar development pilot program one or more eligible generating facilities that are located within a low-income community as a condition for the utility's selection for dedication to its program any eligible generating facility that is located outside a low-income community. (*Patron: Keam*)

HB 576 / SB 782 Undergrounding electric transmission lines; pilot program.

Amends § 56-585.1:5 of the Code of Virginia, to specify that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure adds that the pilot program is created to further understanding of the benefits of undergrounding existing electric transmission

lines to promote economic development. (*Patrons: Keam and Saslaw*)

HB 586 PFOA, PFOS, and PFAS; substances in public drinking water.

Directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrates (PFBA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS), as deemed necessary, in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for inclusion in regulations of the Board of Health applicable to waterworks. (*Patron: Guzman*)

HB 654 Clean energy projects; authorizes DMME to sponsor a statewide financing program.

Amends § 15.2-958.3 of the Code of Virginia, to authorize the Department of Mines, Minerals and Energy (DMME) to sponsor a statewide clean energy financing program. This bill will provide a path forward for localities wishing to take advantage of a statewide Commercial Property Assessed Clean Energy (C-PACE) program. (*Patron: Guy*)

HB 704 / SB 406 Environmental justice; state agency policy, Virginia Council on Environmental Justice, established.

Amends the Code of Virginia by adding in Chapter 2 of Title 2.2 an article numbered 12, consisting of sections numbered 2.2-234 and 2.2-235, to provide that it is the policy of the Commonwealth to promote environmental justice and to ensure that it is carried out throughout the Commonwealth. (*Patrons: Keam and Hashmi*)

HB 706 / SB 795 Offshore drilling; prohibition on leases, policy.

Amends §§ 28.2-1208 and 67-300 of the Code of Virginia and to repeal § 67-301 of the Code of Virginia, to prohibit the granting of a lease,

easement, or permit on the beds of the coastal waters of the Commonwealth that would allow any infrastructure for conveying to shore oil or gas produced from offshore drilling in the Outer Continental Shelf Planning Area and removes any oil or gas lease granted on such beds from the mandate that such lease include a royalty payment requirement. The bill removes policy statements supporting federal efforts to permit oil and gas development 50 miles or more off the Atlantic shoreline. *(Patrons: Keam and Lewis)*

HB 714 / SB 94 Virginia Energy Plan; climate change pressing challenge.

Amends §§ 67-100, 67-101, 67-102, and 67-201 of the Code of Virginia, to adopt findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy. The Virginia Energy Plan shall identify actions consistent with the goals of achieving a net-zero carbon economy by 2045. *(Patrons: Reid and Favola)*

HB 723 Underground pipelines and electrical transmission lines; agriculture.

Amends the Code of Virginia by adding a section numbered 56-257.5, to require a utility company installing an underground pipeline or conduit with an inside diameter greater than 12 inches or an underground electric transmission or distribution line of greater than 115 kV in capacity to mitigate the effects of the project if the project disturbs 10,000 square feet or more of agricultural land. *(Patron: Reid)*

HB 835 / SB 831 Water utility or sewer utility asset acquisitions; fair market valuations.

Directs the State Corporation Commission to establish rules governing fair market valuations of water utility or sewer utility asset acquisitions to determine the initial rate base for the purpose of post-acquisition rate

recovery. Such rules shall identify information to be filed in addition to all other filing requirements in the Utility Transfers Act (§ 56-88 et seq.). *(Patrons: Sullivan and Lewis)*

HB 859 Stormwater management facilities; private residential lots, required disclosure.

Amends §§ 55.1-703 and 62.1-44.15:28, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-708.1, to direct the State Water Control Board to adopt regulations requiring the owner of residential property on which is located a privately owned stormwater management facility serving one or more residential properties to record the long-term maintenance and inspection requirements for such stormwater management facility with the deed for the owner's property. The bill requires an owner of residential real property who has actual knowledge of a privately-owned stormwater management facility located on the property to disclose to a purchaser of the property the long-term maintenance and inspection requirements of the facility. *(Patron: Convors-Fowler)*

HB 868 Electric utilities; right to shop.

Amends § 56-577 of the Code of Virginia, to authorize individual retail customers of electric energy to purchase electric energy provided 100 percent from renewable energy from any licensed competitive supplier of electric energy, including any incumbent electric utility. Currently, such customers may purchase electric power from such suppliers, other than an incumbent electric utility that is not the incumbent electric utility serving the exclusive territory in which the customer is located, only if their incumbent electric utility does not offer an approved tariff for electric energy provided 100 percent from renewable energy. The provisions of the bill will not become effective unless reenacted by the 2021 Session of the General Assembly. *(Patron: Bourne)*

HB 882 Stormwater management; use of a proprietary best management practice.

Amends § 62.1-44.15:28, as it is currently effective and as it shall become effective, of the Code of Virginia, to direct the State Water Control Board to adopt regulations providing for the use of a proprietary best management practice (BMP) only if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. (*Patron: Bulova*)

HB 889 Electric utility regulation and retail competition; SCC to conduct pilot program.

Requires the State Corporation Commission (SCC) to conduct a pilot program under which two or more certain nonresidential customers within the service territory of Dominion Energy are permitted to purchase electric energy from any supplier of electric energy licensed to sell electric energy within the Commonwealth. The aggregated load participating in the pilot program is limited to 200 megawatts. (*Patron: Mullin*)

HB 981 / SB 1027 Clean Energy and Community Flood Preparedness Act; definitions, funds, report.

Amends §§ 10.1-603.24 and 10.1-603.25 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 10.1 an article numbered 4, consisting of sections numbered 10.1-1329, 10.1-1330, and 10.1-1331, to direct the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative (RGGI) model rule. (*Patrons: Herring and Lewis*)

HB 998 Flood plain; adoption of ordinances.

Amends the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-984, to provide that any locality may by ordinance regulate the activity on, use of, or development of a flood plain in a manner consistent with any state or federal flood plain

management programs and requirements. (*Patron: Hayes*)

HB 1002 Agriculture and Forestry Industries Development Planning Grant Program; created.

Amends §§ 3.2-303 and 3.2-304 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3.1 of Title 3.2 a section numbered 3.2-310, to authorize the Governor to award grants from the Agriculture and Forestry Industries Development (AFID) Fund to encourage efforts by political subdivisions to support agriculture and forestry. (*Patron: Guzman*)

HB 1030 Electrical transmission lines; placement of overhead and underground lines.

Amends § 8 of the second enactment of Chapter 296 of the Acts of Assembly of 2018, to provide that the State Corporation Commission's approval of a proposed transmission line for inclusion in a pilot program established as part of the Grid Transformation and Security Act enacted in 2018 (i) precludes the placement of future overhead electrical transmission lines of at least 69 kilovolts in the same area or corridor by other transmission projects for a period of 10 years and (ii) does not preclude (a) any underground transmission lines in such right-of-way or (b) any electrical distribution lines in such right-of-way. The pilot program provides for the underground construction of two electrical transmission lines, including one for the Haymarket transmission line project in Prince William County. (*Patron: Roem*)

HB 1042 / SB 883 Environmental Justice, Virginia Council on; established.

Amends the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8 through 2.2-2699.12, to establish the Virginia Council on Environmental Justice to advise the Governor and provide recommendations to protect vulnerable communities from impacts of pollution. (*Patrons: Herring and Locke*)

HB 1133 Solar and wind energy; projects on previously developed project sites.

Amends §§ 56-576 and 56-585.1:4 of the Code of Virginia, to declare that the construction or purchase by a public utility prior to January 1, 2024, of one or more solar or wind generation facilities located on a previously developed project site in the Commonwealth having in the aggregate a rated capacity that does not exceed 200 megawatts, or the purchase by a public utility of energy, capacity, and environmental attributes from such solar facilities owned by persons other than a public utility, is in the public interest. (*Patron: Jones*)

HB 1136 Hazardous Waste Site Inventory; DEQ to publish, update annually.

Amends the Code of Virginia by adding a section numbered 10.1-1186.1:1, to direct the Department of Environmental Quality (DEQ) to compile and maintain a Hazardous Waste Site Inventory, consisting of a list of sites permitted by or in corrective action under the Department at which the disposal of hazardous waste has occurred. The bill shall be published by July 1, 2021 and updated annually. (*Patron: Lopez*)

HB 1162 Environmental Quality, Department of; definition of environmental justice.

Amends §§ 10.1-1182 and 10.1-1183 of the Code of Virginia to provide that one of the purposes of the Department of Environmental Quality (DEQ) is to further environmental justice. (*Patron: Lopez*)

HB 1164 Environmental Quality, Department of; policy statement.

Amends § 10.1-1183 of the Code of Virginia to add provisions for addressing climate change and for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, faith, disability, or income with respect to the administration of environmental laws, regulations, and policies in the statement of the Department of Environmental Quality's purpose. The bill also

adds the enhancement of the environment and the promotion of the health and well-being of the Commonwealth's residents and visitors to the DEQ's policy goals. (*Patron: Lopez*)

HB 1183 Bulk energy storage resources; State Corporation Commission.

Requires the State Corporation Commission to establish a task force to evaluate and analyze the potential for bulk energy storage resources to, among other things, help integrate renewable energy into the electrical grid. The measure requires the Commission to submit the results of task force's evaluation and analysis to the General Assembly by October 1, 2021. (*Patron: Lopez*)

HB 1205 Discharge deleterious substance in state waters; notice to citizens if detrimental to public health.

Amends § 62.1-44.19:6 of the Code of Virginia, to require the Department of Environmental Quality (DEQ) to notify the Virginia Department of Health (VDH) and local newspapers, television stations, and radio stations and to use official social media accounts and email notification systems about unlawful discharge of a deleterious substance into state waters. (*Patron: Tran*)

HB 1225 Electric utilities; notice before terminating service.

Amends § 56-247.1 of the Code of Virginia, to prohibit an electric utility from terminating the residential service of a customer for nonpayment for metered services when the electric utility believes that the customer is receiving or has received electric utility services for which the customer was not properly billed as the result of tampering with the electric utility's meter. (*Patron: Tran*)

HB 1257 Drinking water supplies and waterworks; maximum contaminant levels, effective date, report.

Amends § 32.1-169 of the Code of Virginia, to direct the State Board of Health to adopt regulations establishing maximum contaminant

levels (MCLs) in public drinking water systems for (i) perfluorooctanoic acid, perfluorooctane sulfonate, and for such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary; (ii) chromium-6; and (iii) 1,4-dioxane. The bill requires such MCLs to be protective of public health, including the health of vulnerable subpopulations, and to be no higher than any MCL or health advisory adopted by the U.S. Environmental Protection Agency for the same contaminant. The bill directs the Department of Health to report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on the status of research related to MCLs. The bill has a delayed effective date of January 1, 2022. (*Patron: Rasoul*)

HB 1266 Septic system inspectors; requirements to perform a septic system inspection.

Amends §§ 59.1-310.9 and 59.1-310.10 of the Code of Virginia to authorize any individual who holds a valid onsite sewage system operator, onsite sewage system installer, or onsite soil evaluator license pursuant to Chapter 23 (Waterworks and Wastewater Works Operators) of Title 54.1 to perform a septic system inspection in connection with any real estate transaction, including refinancing. (*Patron: Hodges*)

HB 1267 Land bank entities; planning district commissions.

Amends §§ 15.2-7500, 15.2-7502, and 15.2-7512 of the Code of Virginia, to permit localities to designate a planning district commission to carry out the functions of a land bank entity. Currently, localities may create an authority or designate certain existing nonprofit organizations to carry out the functions of a land bank entity. (*Patron: Hodges*)

HB 1303 / SB 549 Nuclear energy; strategic plan for overall goal of carbon-free energy.

Amends § 67-200 of the Code of Virginia and adds in Title 67 a chapter numbered 17,

consisting of a section numbered 67-1700, to direct the DMME, the Secretary of Commerce and Trade, and the Secretary of Education to work in coordination with the Virginia Nuclear Energy Consortium Authority and the Virginia Economic Development Partnership Authority to develop a strategic plan for the role of nuclear energy in the Commonwealth's overall strategy for moving toward renewable and carbon-free energy. (*Patrons: Hurst and Newman*)

HB 1310 Environmental Quality, Department of; notice of disposal of certain fill materials.

Requires the DEQ to establish a process whereby any person that receives coverage under the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities and that will be transporting fill from a project site for disposal shall disclose certain information to local governing bodies. (*Patron: Webert*)

HB 1313 Chief Resilience Officer; Governor to designate.

Amends §§ 2.2-435.11, 10.1-658, and 10.1-659 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-222.4, to direct the Governor to designate a Chief Resilience Officer to serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding. (*Patron: Hodges*)

HB 1354 Plastic Waste Prevention Advisory Council; established.

Amends the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8, 2.2-2699.9, and 2.2-2699.10, to establish in the executive branch of state government the Plastic Waste Prevention Advisory Council to study and make recommendations regarding plastic pollution problems in the Commonwealth, with the mission of

eliminating plastic waste and contributing to the achievement of plastics packaging circular economy industry standards. The bill sunsets on June 30, 2023. (*Patron: Plum*)

HB 1375 Living shorelines; resiliency.

Amends § 28.2-104.1 of the Code of Virginia, to include a shoreline practice that may enhance coastal resilience and attenuation of wave energy and storm surge in the definition of living shoreline for purposes of establishing and implementing a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines. (*Patron: Hodges*)

HB 1422 / SB 704 Chesapeake Bay watershed implementation plan initiatives; nutrient management plans for cropland.

Amends the Code of Virginia by adding in Title 62.1 a chapter numbered 3.8, containing articles numbered 1, 2, and 3, consisting of sections numbered 62.1-44.119 through 62.1-44.123, to set December 31, 2025, as the target date to achieve the water quality goals contained in Virginia's final Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan (WIP). The bill provides that if the Secretary of Agriculture and Forestry and the Secretary of Natural Resources (the Secretaries) jointly determine on or after July 1, 2026, that such goals have not been met, then provisions requiring the use of nutrient management plans and livestock stream exclusions shall become effective. The bill directs the Secretaries to convene a stakeholder advisory group to review annual progress toward the implementation of agricultural commitments in the WIP, develop a process to assist in creating nutrient management plans, and develop a plan for the stream exclusion program. The measure also directs the Virginia Soil and Water Conservation Board to establish by December 31, 2020, the official method for identifying perennial streams and directs the Department of Conservation and Recreation to establish by July 1, 2021, a portable stream

fencing practice for inclusion in the Virginia Agricultural Best Management Practice Cost-Share Program. (*Patrons: Plum and Mason*)

HB 1458 Water protection permits; administrative withdrawal of application.

Amends § 62.1-44.15:21 of the Code of Virginia, to authorize the State Water Control Board to administratively withdraw an individual or a general coverage water protection permit application if it is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written information request made by the Board. (*Patron: Murphy*)

HB 1509 / SB 1073 Virginia Food Access Investment Program and Fund; established and created, report.

Amends the Code of Virginia by adding in Title 36 a chapter numbered 10.2, consisting of sections numbered 36-156.3 through 36-156.6, to create the Virginia Food Access 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 McClellan*)

HB 1576 Electric utility regulation; energy efficiency programs.

Amends § 56-585.1 of the Code of Virginia, to require the State Corporation Commission to adopt regulations (i) establishing the process for large general service customers to apply for such an exemption, (ii) establishing the administrative procedures by which eligible customers will notify the utility, and (iii) defining the standard criteria that is required to be satisfied by an applicant in order to notify the utility, including means of evaluation measurement and verification and confidentiality requirements. The bill requires such rules and regulations to require that each exempted large general service customer certify to the utility and Commission that its

implemented energy efficiency programs have delivered measured and verified savings within the prior five years. (*Patron: Kilgore*)

HB 1609 / SB 747 Nutrient and sediment credit generation and transfer; limits certain transfers to private sector.

Amends the Code of Virginia by adding a section numbered 62.1-44.19:21.2, to limit certain transfers of nonpoint nutrient credits to those credits generated by the private sector. A locality may generate its own nutrient or sediment credits and request that such credits be certified by the Department of Environmental Quality, but such certifications shall only be used for the purpose of determining whether the project complies with certain credit generation requirements. The bill authorizes any publicly owned water treatment works that is constructing or expanding a treatment facility to permanently retire a portion of its wasteload allocation under certain circumstances. (*Patrons: Mugler and Hanger*)

HB 1622 Open-Space Lands Preservation Trust Fund; acquisition of interests in property.

Amends § 10.1-1801.1 of the Code of Virginia to authorize the Virginia Outdoors Foundation, in administering the Open-Space Lands Preservation Trust Fund, to provide grants to persons conveying to the Foundation fee simple title or other rights, interests, or privileges in property on agricultural, forest, or other open-space land and to provide grants to localities acquiring such interests. Current law authorizes the Foundation to provide such grants for the acquisition of open-space and conservation easements. (*Patron: Plum*)

HB 1623 Open-space preservation; increases fee for every writing document and instrument admitted to record.

Amends §§ 58.1-812 and 58.1-817 of the Code of Virginia, to increase from \$1 to \$3 the fee for open-space preservation charged for every deed, deed of trust, contract, or other instrument admitted to record in those

jurisdictions in which open-space easements are held by the Virginia Outdoors Foundation. The bill also clarifies that the fee applies to any “deed, deed of trust, contract, or other instrument” admitted to record, replacing the term “deed.” (*Patron: Plum*)

HB 1639 Rural lands; DEQ shall convene work group to discuss issue of disposal of debris on lands.

Directs the Department of Environmental Quality (DEQ) to convene a work group to research and develop possible regulations for the practice of rural landowners allowing, or allowing for compensation, the use of their lands as disposal sites for construction fill and debris from road construction and development projects. (*Patron: Guzman*)

HB 1641 Coal ash ponds; definitions, testing private wells and public water supply wells, etc.

Amends the Code of Virginia by adding in Article 2.1 of Chapter 14 of Title 10.1 a section numbered 10.1-1413.3, to require the owner or operator of a coal ash pond in the Chesapeake Bay watershed to complete a survey of all private wells and public water supply wells within 1.5 miles of each of its ponds by October 1, 2020, and to notify residents via mail and a local newspaper posting that the survey will be conducted. (*Patron: Ayala*)

HB 1642 Coal ash ponds; definitions, well monitoring program, wells near ponds.

Amends the Code of Virginia by adding in Chapter 6 of Title 32.1 an article numbered 2.2, consisting of sections numbered 32.1-176.8 and 32.1-176.8:1, to require an owner or operator of a coal ash pond in the Chesapeake Bay watershed to commission an independent well water test on behalf of the owner of any private well or public water supply well located within 1.5 miles of such coal ash pond by January 1, 2021, and requires such test to be conducted once per year during each of the five years following the approval of the closure of the coal ash pond and once every five years thereafter. The bill provides that if any test

exceeds any U.S. Environmental Protection Agency (EPA) Maximum Contaminant Level (MCL) for drinking water, the utility shall provide water treatment or alternative water supplies, potentially including a connection to a city or county water utility, to the owner of the well. (*Patron: Ayala*)

HB 1656 Electric utilities; incentive programs for low-income customers.

Amends §§ 56-585.1 and 56-596.2:1 of the Code of Virginia, to authorize Dominion Energy Virginia and American Electric Power to recover, through a rate adjustment clause, the costs of designing, implementing, and operating programs to provide incentives to low-income, elderly, and disabled individuals who participate in an energy conservation program, or to organizations providing residential services to such individuals, for the installation of, or access to, solar energy generating equipment. (*Patron: O'Quinn*)

HB 1664 / SB 860 / SB 998 Electric utilities; offshore wind generation facilities development.

Amends the Code of Virginia by adding a section numbered 56-585.1:11, to provide that the construction or purchase by a public utility of one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth, with an aggregate capacity of up to 5,200 megawatts, is in the public interest. The measure provides that construction by Dominion Energy Virginia of one or more new utility-owned and utility-operated generating facilities with an aggregate rated capacity between 2,500 megawatts and 3,000 megawatts, along with electrical transmission or distribution facilities associated therewith for interconnection is in the public interest. The measure provides that the State Corporation Commission will determine the reasonableness and prudence of associated costs and will presume such costs to be reasonable and prudent if certain criteria are met. (*Patrons: Hayes, Mason, and Lucas*)

HB 1707 Clean Energy Advisory Board; increases membership.

Amends § 45.1-396 of the Code of Virginia and to repeal § 45.1-400 of the Code of Virginia, to expand the membership of the Clean Energy Advisory Board (the Board) from 15 to 17 members. The measure specifies that one of the new members shall be an expert with experience implementing low-income and middle-income incentive and loan programs for distributed renewable energy resources and that the other new member shall be an attorney who maintains a legal practice dedicated to rural development, rural electrification, and energy policy. (*Patron: Aird*)

SB 24 Agritourism activities; adds horseback riding or stabling to definition.

Amends § 3.2-6400 of the Code of Virginia to add horseback riding to the definition of "agritourism activity." (*Patron: Petersen*)

SB 106 Hydraulic fracturing; drilling through any portion of a groundwater management area, prohibition.

Amends the Code of Virginia by adding a section numbered 62.1-195.3, to prohibit hydraulic fracturing, as defined in the bill, in certain groundwater management areas. (*Patron: Surovell*)

SB 114 Comprehensive animal care; enforceable under Virginia Consumer Protection Act.

Amends §§ 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6519, and 59.1-200 of the Code of Virginia, to subject certain animal care statutes to enforcement under the Virginia Consumer Protection Act (§ 59.1-196 et seq.). These statutes relate to the posting of information about dogs and to written notice of consumer remedies required to be provided by pet shops, pet dealers, and animal boarding establishments. (*Patron: Marsden*)

SB 360 Water, sewerage, and drainage; standards for installation by developer, policies for reimbursement.

Amends § 15.2-2243 of the Code of Virginia,

to authorize a locality that has adopted an ordinance for payment by a subdivider or developer of land of the pro rata share of the cost of providing reasonable and necessary sewerage, water, and drainage facilities to also provide in its subdivision ordinance that, when adequate water, sewerage, or drainage facilities are not available to serve a proposed subdivision or development, the subdivider or developer of the property may be permitted to install reasonable and necessary water, sewerage, and drainage facilities, located on or outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area and provides certain requirements for reimbursement of such installation. (*Patron: Cosgrove*)

SB 632 Public utilities; aggregate energy storage capacity in the Commonwealth.

Amends §§ 56-265.1, 56-585.1, 56-585.1:4, 56-598, and 56-599 of the Code of Virginia and to amend and reenact the fourteenth enactment of Chapter 296 of the Acts of Assembly of 2018, to provide that it is the objective of the General Assembly that 2,700 megawatts of aggregate energy storage capacity be placed into service on or before July 1, 2030. The bill provides that energy storage facilities with an aggregate capacity of 2,700 megawatts are in the public interest and that prior to January 1, 2030, (i) the construction by a public utility of one or more energy storage facilities located in the Commonwealth, having in the aggregate a rated capacity that does not exceed 2,700 megawatts, or (ii) the purchase by a public utility of energy storage facilities described in clause (i) owned by persons other than a public utility or the capacity from such facilities is in the public interest. The bill requires that at least 65 percent of the energy storage capacity placed in service on or after July 1, 2020, located in the Commonwealth and found to be in the public

interest is from the purchase by a public utility of energy storage facilities owned by persons other than a public utility or the capacity from such facilities. The bill provides that such purchases shall be subject to competitive procurement, provided that a public utility may select energy storage facilities without regard to whether such selection satisfies price criteria if the selection of the energy storage facilities materially advances non-price criteria, including favoring geographic distribution of generating facilities, areas of higher employment, or regional economic development, if such facilities do not exceed 25 percent of the utility's energy storage capacity. The bill provides that an integrated resource plan (IRP) should include recommended plans for utilizing energy storage facilities to meet forecasted demand and assure adequate and sufficient reliability of service and requires that in preparing an IRP, each electric utility shall systematically evaluate and may propose developing a long-term plan to integrate new energy storage facilities into existing generation and distribution assets to assist with grid transformation. Finally, the bill requires the State Corporation Commission, in the annual report required by legislation enacted in the 2018 Session, to assess the aggregate annual new construction and purchase of energy storage facilities. (*Patron: Surovell*)

SB 673 Nonagricultural irrigation wells; prohibited outside surficial aquifer.

Amends §§ 62.1-255, 62.1-262, and 62.1-266 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 62.1-258.1, to prohibit any person from constructing a well in a ground water management area for nonagricultural irrigation purposes except in the surficial aquifer. The bill authorizes the State Water Control Board to adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. The Board shall promulgate regulations establishing criteria for determining whether

the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use. (*Patron: Mason*)

SB 679 Eastern Virginia Groundwater Management Advisory Committee; established, report, sunset provision.

Amends the Code of Virginia by adding a section numbered 62.1-256.2, to require the Department of Environmental Quality to reestablish the Eastern Virginia Groundwater Management Advisory Committee. The bill has an expiration date of July 1, 2025. (*Patron: Mason*)

SB 774 Big game hunting; guaranteed kills prohibited, penalty.

Amends § 29.1-521 of the Code of Virginia, to prohibit offering for sale, selling, offering to purchase, or purchasing a hunt guaranteeing the killing of a deer, bear, or wild turkey. The bill does not prevent a landowner from leasing land for hunting. A violation is punishable as a Class 1 misdemeanor; when the aggregate of such sales or purchases, or any combination thereof, by any person totals \$500 or more during any 90-day period, such violation is punishable as a Class 6 felony. (*Patron: Chafin*)

SB 786 Animal shelters; housing conditions.

Amends § 3.2-6546 of the Code of Virginia, to require certain housing, space, and care conditions for an animal that is confined by the operator or custodian of a public or private animal shelter or releasing agency during and after an applicable stray hold period. (*Patron: Lewis*)

SB 817 Nuclear energy; considered a clean energy source.

Amends § 67-200 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 67 a section numbered 67-104, to provide that for the purposes of the Commonwealth Energy Policy, in any clean energy initiative or carbon-free energy initiative undertaken, overseen, regulated, or permitted by the Department of Mines, Minerals and Energy, nuclear energy shall

be considered to be a clean energy source. (*Patron: Lewis*)

SB 828 Carbon-free energy and clean energy; definition.

Amends the Code of Virginia by adding a section numbered 1-208.1, to provide that “carbon-free energy” or “clean energy,” includes electric energy generated from a source that does not emit carbon dioxide into the atmosphere during the process of generating the electric energy, including electric energy generated by the conversion of sunlight, wind, falling water, wave motion, tides, or geothermal or nuclear energy. (*Patron: Lewis*)

SB 843 Stormwater and erosion and sediment control; acceptance of plans in lieu of plan review.

Amends the Code of Virginia by adding sections numbered 62.1-44.15:27.4 and 62.1-44.15:56.1, to authorize the State Water Control Board or the Department of Environmental Quality, in its administration of a Virginia Stormwater Management Program, Virginia Erosion and Stormwater Management Program, or Virginia Erosion and Sediment Control Program, to choose to accept a set of plans and supporting calculations for any land-disturbing activity determined to be de minimus using a risk-based approach established by the Board. The bill provides that such plans and supporting calculations shall satisfy the requirement that the Board or the Department retain a certified plan reviewer or conduct a plan review. (*Patron: Petersen*)

SB 849 Lawn fertilizer; contractor-applicators.

Amends §§ 3.2-3602 and 3.2-3602.1 of the Code of Virginia, to authorize the Commissioner of Agriculture and Consumer Services to enter into an agreement with a locality to provide oversight and data collection assistance related to the requirements of certified lawn fertilizer contractor-applicators. The bill also reduces from 100 to 50 the total number of acres of nonagricultural land to which

a contractor-applicator may apply lawn fertilizer and lawn maintenance fertilizer annually without submitting an annual report to the Commissioner. The bill increases from \$250 to \$1,000 the civil penalty imposed on a contractor-applicator for a violation of applicable regulations. (*Patron: Mason*)

SB 987 Hunting waterfowl; duck blinds.

Amends §§ 29.1-340, 29.1-341.1, 29.1-344, and 29.1-349 of the Code of Virginia, to prohibit hunting or shooting migratory waterfowl in the public waters of the Commonwealth from a boat, float, raft, or other buoyant craft or device within 150 yards of a residence without the consent of the landowner, except when in active pursuit of a visibly crippled waterfowl that was legally shot by the person. (*Patron: Stuart*)

SB 1064 Combined sewer overflow outfalls; James River watershed.

Requires the owner or operator of any combined sewer overflow (CSO) system east of Charlottesville that discharges into the James River watershed to submit to the Department of Environmental Quality an interim and a final plan to address the requirements of any consent special order issued by the State Water Control Board. (*Patron: Stuart*)

SB 1075 Environmental Quality, Department of; public comment.

Amends § 10.1-1307.01 of the Code of Virginia to require that the Air Pollution Control Board require the applicant to take certain public notice actions, prior to granting any variance to an existing regulation or issuing any permit for (i) a new fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (ii) a major modification to an existing source that is a fossil fuel-fired generating facility with a capacity of 500 megawatts or more, (iii) a new fossil fuel-fired compressor station facility used to transport natural gas, or (iv) a major modification to an existing source that is a fossil fuel-fired compressor station facility used to transport natural gas, if the Board finds that

there is a locality particularly affected by such variance or permit. (*Patron: McClellan*)

CONTINUED TO 2021

HB 77 Green New Deal Act; fossil fuel projects moratorium, clean energy mandates, civil penalties.

Amends the Code of Virginia by adding in Title 45.1 a chapter numbered 28, consisting of sections numbered 45.1-401 through 45.1-410, to establish a moratorium, effective January 1, 2021, 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, 100 percent 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. The measure requires (a) a 36 percent reduction in electric energy consumption in buildings by 2035, (b) the establishment of job training programs and energy worker protections, (c) transitional assistance for workers in the fossil fuel industry and affected communities, and (d)

environmental justice protections. The measure provides that any retail electric supplier that fails to meet any goal or benchmark is liable for a civil penalty equal to twice the cost of the financial investment necessary to meet such goal or mandate that was not achieved, or three times the cost of the financial investment necessary to meet such goal or benchmark that was not achieved if not met in an environmental justice community, defined in the bill. (*Patron: Rasoul*)

HB 221 Tree conservation ordinance; Chesapeake Bay Preservation Act locality, designated trees.

A BILL to amend and reenact § 10.1-1127.1 of the Code of Virginia, to add “Chesapeake Bay watershed tree,” as defined in the bill, to the types of tree that a locality with a tree conservation ordinance is authorized to designate individually for preservation. (*Patron: Mugler*)

HB 672 State, regional, and local planning; climate change.

A BILL to amend and reenact §§ 15.2-2200, 15.2-2223, 15.2-2283, 15.2-2284, and 15.2-4209 of the Code of Virginia and to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 55.4, consisting of a section numbered 2.2-5515, to establish a policy of the Commonwealth to prevent and to minimize actions that contribute to the detrimental effects of climate change in the Commonwealth. The bill requires any state agency to examine any new regulation in furtherance of this policy. The bill requires local and regional planning commissions to consider the impacts from and causes of climate change in adopting a comprehensive plan, regional strategic plan, or zoning ordinance. (*Patron: Willett*)

HB 959 Resilience hub pilot program; established.

A BILL to establish a resilience hub pilot program to assist vulnerable communities during emergency situations. (*Patron: Bourne*)

HB 1038 Solid waste management facility; permit for landfill with capacity of more than 35 million tons.

A BILL to amend and reenact § 10.1-1408.1 of the Code of Virginia, to prohibit the Virginia Waste Management Board from issuing (i) a permit for a new solid waste management facility or (ii) an amendment to a permit allowing the expansion of a facility or an increase in capacity, where such permit or amendment is likely to result in the creation of a landfill whose capacity exceeds 35 million tons. (*Patron: Rasoul*)

HB 1045 Tree-replacement ordinance; banking.

A BILL to amend the Code of Virginia by adding a section numbered 15.2-961.3, to authorize any locality that has adopted a tree-replacement ordinance to require a developer to make up for any net loss in tree cover by planting additional trees on property protected by a conservation easement or paying the locality to do so. (*Patron: Krizek*)

HB 1067 Electric utilities; net energy metering.

A BILL to amend and reenact § 56-594 of the Code of Virginia, to declare that an electrical generating facility located on real property owned by the customer that is at a location that is separated by a right-of-way or other easement from the location on the customer’s real property where the electrical generation facility is connected to the customer’s meter or where the customer consumes the electricity generated from the electrical generating facility shall be deemed to be located on the customer’s premises. (*Patron: Kory*)

HB 1171 Solar farms; annual report of acreage, report.

A BILL to amend the Code of Virginia by adding a section numbered 45.1-391.1, to direct the Virginia Solar Energy Center to compile an annual report that lists (i) the total acreage of solar farm or utility-scale solar facility development projects completed in the prior

calendar year and (ii) the total acreage of qualified donations of less-than-fee interests accepted by any public or private conservation agency. (*Patron: Poindexter*)

HB 1192 / SB 626 Hazardous Substance Aboveground Storage Tank Fund; created.

A BILL to amend the Code of Virginia by adding in Chapter 3.1 of Title 62.1 an article numbered 13, consisting of sections numbered 62.1-44.34:29 through 62.1-44.34:39, to direct the State Water Control Board to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. (*Patrons: Lopez and Surovell*)

HB 1279 Animal shelters; confinement and disposition of animals.

A BILL to amend and reenact § 3.2-6546 of the Code of Virginia, to increase from five to 10 the number of days an animal confined by a public or private animal shelter or releasing agency shall be kept prior to disposal of the animal unless sooner claimed by the rightful owner. The bill also increases from five to 10 the number of additional days such animal shall be held if the owner or custodian of the shelter determines that the animal has a collar, tag, license, tattoo, or other form of identification. (*Patron: O'Quinn*)

HB 1329 Chesapeake Bay Preservation Areas; local governments to designate Areas, etc.

A BILL to amend and reenact § 62.1-44.15:74 of the Code of Virginia, to direct localities in Tidewater Virginia to incorporate certain penalties into their ordinances protecting the quality of state waters in Chesapeake Bay Preservation Areas. (*Patron: Kory*)

HB 1364 Resource Protection Areas; improvement plans.

A BILL to amend and reenact § 62.1-44.15:72 of the Code of Virginia, to direct the State Water Control Board to provide that any owner of land in a Resource Protection Area may

improve such area using native plants and mixtures of organic material. (*Patron: Hodges*)

HB 1366 Resource Protection Areas; program to remediate septic systems in recurrently flooded areas.

A BILL to require the Commissioner of Health and the Director of the Department of Environmental Quality to develop a program to remediate septic systems in recurrently flooded areas of Resource Protection Areas. (*Patron: Hodges*)

HB 1373 Flood Resiliency Clearing House Program; developed by Department of Conservation and Recreation.

A BILL to amend the Code of Virginia by adding in Article 6 of Chapter 6 of Title 10.1 a section numbered 10.1-660, to direct the Department of Conservation and Recreation to develop a Flood Resiliency Clearing House Program for coordinating flood mitigation solutions. (*Patron: Hodges*)

HB 1464 Restrict nutrient credit usage; local authority.

A BILL to amend and reenact § 62.1-44.15:35 of the Code of Virginia to authorize the governing body of any locality, by ordinance, to restrict the total nutrient credits that are generated in the locality and used in an adjacent eight-digit hydrologic unit code or fourth order subbasin to comply with stormwater nonpoint nutrient runoff water quality criteria. (*Patron: Gooditis*)

HB 1480 Pet shops; local regulation on sale of animals.

A BILL to amend and reenact § 3.2-6543 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-912.4, to authorize a locality to regulate or restrict by ordinance the acquisition, marketing, and sale of animals in a pet shop. Such ordinance may distinguish between certain types of pet shops and include provisions for special licensing, inspections, reporting, or restrictions on the sale of certain types of animals. (*Patron: Gooditis*)

HB 1497 Fertilizer contractor-applicator; application pursuant to nutrient management plan.

A BILL to amend and reenact § 3.2-3608 of the Code of Virginia, to prohibits the application by a fertilizer contractor-applicator, beginning July 1, 2026, of any regulated product to a farm operation larger than 50 acres unless such application is conducted pursuant to a nutrient management plan. “Regulated product” includes fertilizer, specialty fertilizer, soil amendment, and horticultural growing medium. (*Patron: Mugler*)

HB 1624 Trees; conservation during land development process.

A BILL to amend and reenact § 15.2-961.1 of the Code of Virginia, to authorize 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 certain localities may adopt such an ordinance for the conservation of trees. (*Patron: Cole, J.G.*)

HB 1712 Food packaging; PFAS chemicals, penalty.

A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 51 of Title 3.2 a section numbered 3.2-5119.1, to prohibit the sale, offer for sale, or distribution for sale or use of any food packaging containing perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals), defined in the bill as a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. (*Patron: Hudson*)

HB 1715 Virginia Erosion and Sediment Control Programs; by administration, DEQ.

A BILL to amend and reenact § 62.1-44.15:54 of the Code of Virginia, to direct the Department of Environmental Quality to operate a required Virginia Erosion and Sediment Control Program (VЕСP) on behalf of any locality that notifies the Department of its intent to opt out of operating a VЕСP. (*Patron: Hodges*)

SB 304 Animal shelters; euthanasia rate.

A BILL to amend and reenact § 3.2-6546 of

the Code of Virginia, to require any public or private animal shelter or releasing agency to annually file with the State Veterinarian (i) a copy of its intake policy, (ii) the number of animals on which a euthanasia procedure was performed, and (iii) of such number, the number of animals (a) surrendered with the intent to euthanize and (b) presented by the public animal shelter to a licensed veterinarian prior to euthanasia. (*Patron: Stanley*)

SB 318 Balloons; reduces the number per hour that a person may release.

A BILL to amend and reenact § 29.1-556.1 of the Code of Virginia, to reduce the number of balloons per hour that a person may release without penalty from 49 to one. (*Patron: Kiggans*)

SB 409 Landfills, large; local impact.

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1408.6, to require the DEQ to analyze and determine what impacts to local water, soil, and air quality are expected from the construction and operation of a new municipal solid waste landfill that will accept 3,500 tons or more of municipal solid waste per day and to impose additional conditions or requirements, including facilities, maintenance, or operation or closure practices, as are necessary to adequately protect local water, soil, and air quality. (*Patron: Hashmi*)

SB 826 Water and sewer service charges; tenant or lessee.

A BILL to amend and reenact § 15.2-2119.4 of the Code of Virginia, to reduce the maximum potential responsibility of a property owner for a tenant’s unpaid water and sewer charges by capping the dollar amount of such property owner’s responsibility at \$300. (*Patron: McDougale*)

SB 854 Virginia Urban Agriculture Advisory Council; created, report.

A BILL to amend the Code of Virginia by adding in Subtitle II of Title 3.2 a part labeled E, containing a chapter numbered 31.2, consisting of sections numbered 3.2-3122 through 3.2-

3127, to create the Virginia Urban Agriculture Advisory Council to encourage urban agriculture and contribute to building a local food economy. (*Patron: Petersen*)

SB 1061 C-PACE loans; residential dwellings and condominiums.

A BILL to amend and reenact § 15.2-958.3 of the Code of Virginia, to remove an exclusion for residential dwellings with fewer than five dwelling units and condominium projects from certain requirements related to a voluntary special assessment lien that secures a loan for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements. (*Patron: Petersen*)

FAILED LEGISLATION

HB 116 Stormwater Mgmt. Fund; grants from local Fund may be used for an authorized local credit option.

A BILL to amend and reenact § 15.2-2114.01 of the Code of Virginia, to provide that grants from a local Stormwater Management Fund may be used for an authorized local stormwater credit option for Virginia Stormwater Management Program authorized program administrators as a stormwater retrofit for any development within the local watershed that predates the 2005 U.S. Environmental Protection Agency and Department of Environmental Quality best management practice criteria. Currently, the grants may only be used for (i) the construction, improvement, or repair of a stormwater management facility or (ii) erosion and sediment control. (*Patron: Cole, M.L.*)

HB 205 Small renewable energy projects; permit by rule process.

A BILL to amend and reenact §§ 10.1-1197.5 and 10.1-1197.6 of the Code of Virginia, to provide that any proposed wind energy project with a project boundary located less than two miles from a jurisdictional boundary is not qualified for a permit by rule from the Department of Environmental Quality. The measure also (i) requires the engineering certification for a wind energy project to

state the amount of energy projected to be generated by the facility, on an annual average basis, based on wind studies conducted at the proposed project site for a minimum of two years; (ii) requires the Department to hold a public hearing; (iii) limits eligibility for wind-powered generation facilities to make use of the permit by rule process to those that have a rated capacity not exceeding 100 megawatts and disturb fewer than 50 acres in the complete construction of the project including access roads; and (iv) reduces the maximum capacity for facilities that generate electricity only from sunlight from 150 megawatts to 100 megawatts. (*Patron: Campbell, R.R.*)

HB 297 / HB 770 / SB 648 Goats; grazing on stream buffers.

A BILL to amend and reenact §§ 10.1-104.8 and 62.1-44.5 of the Code of Virginia to authorize a locality that procures and utilizes goats for the temporary grazing of stream buffers to remain in compliance with a resource management plan for pasture land. Such compliance qualifies the locality for matching grants for agricultural best management practices provided through the Virginia Agricultural Best Management Practices Cost-Share Program. The bill also clarifies that such grazing is not prohibited by certain provisions of the State Water Control Law. (*Patrons: Gooditis, LaRock, and Boysko*)

HB 382 Virginia Shoreline Resiliency Fund; grant program.

A BILL to amend and reenact § 10.1-603.25 of the Code of Virginia, to change the Virginia Shoreline Resiliency Fund (the Fund) from a lending program to a grant program. The bill directs the Fund to grant money to localities to enable them to offer cost-sharing programs to help residents and businesses that are subject to recurrent flooding. (*Patron: Convors-Fowler*)

HB 413 Subdivision ordinance; energy efficiency and renewable energy provisions.

A BILL to amend and reenact § 15.2-2242 of the Code of Virginia, to authorize a local governing body to include in its subdivision ordinance provisions for establishing minimum

standards of energy efficiency and establishing and maintaining access to sources of renewable energy. (*Patron: Delaney*)

HB 461 Renewable energy property; tax credit established.

A BILL to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:13, to establish, beginning in taxable year 2020, a tax credit for renewable energy property placed in service. (*Patron: Sullivan*)

HB 490 Farm vehicles; use.

A BILL to amend and reenact § 46.2-698 of the Code of Virginia to prohibit the nonfarm use of vehicles registered as a farm motor vehicle. (*Patron: Marshall*)

HB 577 State Air Pollution Control Board; implementation of a low emissions vehicle program.

A BILL to amend and reenact § 10.1-1307 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1307.04, to direct the State Air Pollution Control Board to implement a low-emissions motor vehicle program based on the motor vehicle standards authorized by Section 177 of the federal Clean Air Act. (*Patron: Keam*)

HB 643 Pipeline construction; certification requirement, minimum diameter, stop work orders.

A BILL to amend and reenact §§ 62.1-44.15:20, 62.1-44.15:21, 62.1-44.15:37.1, 62.1-44.15:58.1, 62.1-44.15:80, and 62.1-44.15:81 of the Code of Virginia, to reduce from 36 inches to 24 inches the minimum inside diameter of a natural gas transmission pipeline for which an individual Virginia Water Protection Permit, rather than a general permit, is required to conduct activities in wetlands or state waters or an additional upland activity certification is required to obtain a Clean Water Act Certification. The bill reduces from 15 percent to 10 percent the minimum grade of a slope on which any construction activities will trigger the requirement for such additional upland

activity certification. The measure requires the Department of Environmental Quality, within five business days of the issuance of a stop work instruction, to notify the pipeline company of specific corrective measures that shall be completed and approved by the Department before any land-disturbing activity may be resumed. The bill authorizes the State Water Control Board, in addition to the Department, to issue such stop work instructions and adds requirements and restrictions on any further construction once such an instruction is issued. (*Patron: Hurst*)

HB 644 Pipeline construction projects; violations, cumulative effect, civil penalties.

A BILL to amend and reenact § 62.1-44.15, as it is currently effective and as it shall become effective, of the Code of Virginia, to direct the State Water Control Board to adopt regulations to penalize the accrual of violations of the State Water Control Law by any large natural gas transmission pipeline construction project. The bill requires the regulations to provide that, for every 10 such violations in one calendar month, the Board shall issue an accrued cumulative impact violation order that includes a civil penalty of \$32,500. If a project accrues a total of 20 such violations in one calendar month, the Board shall additionally, after notice and hearing, initiate proceedings to halt work on the entirety of the project, with work to remain halted until corrective action is taken and is approved by the Board. (*Patron: Hurst*)

HB 754 Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program; established.

A BILL to amend the Code of Virginia by adding in Title 67 a chapter numbered 17, consisting of a section numbered 67-1700, to establish the Virginia Brownfield Renewable Energy and Coal Mine Grant Fund and Program. (*Patron: Kilgore*)

HB 1034 Local Food and Farming Infrastructure Fund and Grant Program; established.

A BILL to amend the Code of Virginia by adding

in Title 3.2 a chapter numbered 35.1, consisting of a section numbered 3.2-3510, to establish the Local Food and Farming Infrastructure Fund. The bill directs VDACS to award grants to political subdivisions for projects that include the establishment or maintenance of farmers markets; businesses or organizations that manage the aggregation, distribution, and marketing of food products primarily from local and regional producers; and primarily locally owned processing facilities. (*Patron: Rasoul*)

HB 1151 Plastic bag tax; use of revenues.

A BILL to amend the Code of Virginia by adding in Chapter 17 of Title 58.1 an article numbered 12, consisting of a section numbered 58.1-1745, to allow localities to impose a five-cent (\$0.05) per bag tax on plastic bags provided to customers by retailers in grocery stores, convenience stores, restaurants, or drugstores. Revenue from the local tax shall be deposited into the Virginia Water Quality Improvement Fund (WQIF) and the Virginia Natural Resources Commitment Fund. The bill allows every restaurant or retailer that collects the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner. (*Patron: Lopez*)

HB 1298 Electric utility regulation; approval of generating facilities.

A BILL to amend and reenact §§ 56-46.1 and 56-580 of the Code of Virginia, to allow the State Corporation Commission, in its consideration of an application for approval of an electrical generating facility, to consider environmental effects not expressly governed by a permit or expressly considered by a permitting authority, including carbon emissions and the overall impacts of new and existing facilities on the health and welfare of the residents of the Commonwealth. The measure also removes provisions that prohibited the Commission from imposing additional conditions with respect to such matters. (*Patron: Kory*)

HB 1306 Renewable energy storage projects; brownfields and reclaimed lands, regulations.

A BILL to amend the Code of Virginia by adding a section numbered 45.1-391.1, to direct the Department of Mines, Minerals and Energy to adopt regulations allowing appropriate brownfields and lands reclaimed after mining to be developed as sites for renewable energy storage projects. (*Patron: Kory*)

HB 1308 Stormwater management; grandfathered land-disturbing activities.

A BILL to amend and reenact § 62.1-44.15:28 of the Code of Virginia to authorize any land-disturbing activity that was eligible to take place pursuant to technical criteria that were adopted by the State Water Control Board prior to July 1, 2014, to be governed by such criteria until July 1, 2024. Current regulations grandfathered such activities until July 1, 2019. (*Patron: Walker*)

HB 1317 Industrial hemp grower; public notice, buffer zone, odor mitigation.

A BILL to amend and reenact §§ 3.2-4114 and 3.2-4115 of the Code of Virginia, to require any applicant for registration as a grower of industrial hemp to state either that the growing premises are more than 100 yards from any residential area or that the applicant has complied with pre-registration public notice and comment requirements set by the Commissioner of Agriculture and Consumer Services. The bill directs the Board of Agriculture and Consumer Services to adopt regulations requiring each registered grower of industrial hemp to maintain a buffer zone from the property lines of the growing premises and to perform odor mitigation at such premises during peak blooming season. (*Patron: Aird*)

HB 1393 Nutrient credit trading; adjacent hydrologic unit code.

A BILL to amend and reenact § 62.1-44.15:35 of the Code of Virginia to remove authority for a Virginia Stormwater Management Program or Virginia Erosion and Stormwater Management

Program to allow compliance with stormwater nonpoint nutrient runoff water quality criteria through the applicant's acquisition of nutrient credits in the same tributary in an adjacent hydrologic unit code (HUC) or fourth order subbasin unless certain existing criteria for purchasing credits outside of the HUC or fourth order subbasin are met, when the credits are in a locality with a population fewer than 20,000 and geographic area under 200 square miles. (*Patron: LaRock*)

HB 1450 Electric utility regulation; energy efficiency standard.

A BILL to amend and reenact §§ 56-576, 56-585.1, and 56-596.2 of the Code of Virginia, to require Dominion Energy Virginia (DEV) and American Electric Power (AEP) to achieve incremental net annual savings in accordance with a schedule that starts in 2021 and increases the level of required savings until 2027 and thereafter. (*Patron: Sullivan*)

HB 1451 Electric utility regulation; mandatory renewable energy portfolio standard.

A BILL to amend the Code of Virginia by adding a section numbered 56-585.5, to replace the existing voluntary renewable energy portfolio standard (RPS) program with a mandatory renewable energy portfolio standard program that requires each electric utility to generate or purchase increasing percentages of electric power that is generated from renewable energy sources. (*Patron: Sullivan*)

HB 1454 Erosion and sediment control, stormwater, and Chesapeake Bay; consolidation of preservation laws.

A BILL to require the Department of Environmental Quality to study the statutory and regulatory changes necessary to fully integrate and consolidate (i) the Erosion and Sediment Control Law, (ii) the Stormwater Management Act, and (iii) the Chesapeake Bay Preservation Act. The Department shall report the results of its study by December 1, 2020. (*Patron: Heretick*)

HB 1628 Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth.

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1184.1, to prohibit 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 majority vote that specifically references and approves the regulatory text proposed for adoption by a state agency. (*Patron: Poindexter*)

HB 1629 Regional transportation sector emissions programs; participation by Commonwealth.

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1184.1, to prohibit 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 majority vote that specifically references and approves the regulatory text proposed for adoption by a state agency. (*Patron: Poindexter*)

HB 1636 Mountain ridges; prohibition on construction, local ordinance.

A BILL to amend the Code of Virginia by adding in Subtitle I of Title 10.1 a chapter numbered 10.4, consisting of sections numbered 10.1-1028, 10.1-1029, and 10.1-1030, to prohibit the construction of any building more than 50 feet tall at any elevation within 100 feet of the crest of a vulnerable mountain ridge, as defined in the bill. The bill provides an exception for

construction that complies with a county or city ordinance adopted to mitigate the effect of such structures on views of the ridge. The bill also authorizes any city or county to opt out of the prohibition on construction by referendum if the petition for such referendum is made prior to January 1, 2022. (*Patron: Campbell, R.R.*)

SB 184 Tree conservation ordinance; Chesapeake Bay Preservation Act locality, designated trees.

A BILL to amend and reenact § 10.1-1127.1 of the Code of Virginia, to add “Chesapeake Bay watershed tree,” as defined in the bill, to the types of tree that a locality with a tree conservation ordinance is authorized to designate individually for preservation. (*Patron: Locke*)

SB 310 Public animal shelters; notice to euthanize.

A BILL to amend and reenact § 3.2-6546 of the Code of Virginia, to require each public animal shelter to adopt a policy under which it waits a certain number of days before euthanizing a dog or cat when a person has notified the shelter of his intent to adopt or take custody of the animal. (*Patron: Stanley*)

SB 342 Virginia Residential Property Disclosure Act; disclosure of special flood hazard area to purchaser,

A BILL to amend and reenact § 55.1-703 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 55.1-708.1 and 55.1-1219.1, to require the owner of residential real property who has actual knowledge that the property is located in one or more special flood hazard areas to provide a written disclosure when selling the property. (*Patron: Locke*)

SB 354 Electric utility regulation; energy efficiency standard.

A BILL to amend and reenact §§ 56-576, 56-585.1, and 56-596.2 of the Code of Virginia, to require Dominion Energy Virginia (DEV) and American Electric Power (AEP) to achieve incremental net annual savings. (*Patron: Bell*)

SB 361 Coastal areas; study on economic consequences of weather-related events.

A BILL to direct the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. (*Patron: Cosgrove*)

SB 376 Electric utilities; retail competition, renewable energy.

A BILL to amend and reenact § 56-577 of the Code of Virginia, to allow individual retail customers of an electric utility to purchase electric energy provided 100 percent from renewable energy from any licensed supplier. The measure eliminates (i) provisions that prohibit such a purchase from a licensed supplier that is an incumbent electric utility that is not the incumbent electric utility serving the exclusive service territory in which the customer is located and (ii) a condition that permits such purchases only if the electric utility serving the applicable exclusive service territory does not offer a tariff for 100 percent renewable energy. (*Patrons: Suetterlein and Bell*)

SB 634 Alternative and efficient energies; subsidies and effective clause.

A BILL to amend the Code of Virginia by adding in Chapter 15.1 of Title 45.1 an article numbered 3, consisting of sections numbered 45.1-179.12, 45.1-179.13, and 45.1-179.14, to create incentive programs relating to the adoption of alternative and efficient energies. The bill establishes the Energy Efficiency Subsidy Program to fund grants to subsidize residential energy efficiency measures and directs the Department of Taxation to study the possibility of incorporating an electric vehicle rebate into the Program. The provisions of the bill are contingent on funding in a general appropriation act. (*Patron: Surovell*)

SB 784 Transmission lines; relocation and undergrounding.

A BILL to amend the Code of Virginia by adding a section numbered 56-585.1:11, to

require that any transmission line of 230 kilovolts or less that is proposed to connect to a proposed new substation that has received local final development plan approval be placed underground if (i) such line would extend from an existing substation that will be powered by a transmission line of 230 kilovolts or less, (ii) such line received a certificate of public convenience and necessity from the Commission to be placed underground prior to December 31, 2018; (iii) the portion of such line between the existing substation and the proposed new substation is not more than 4,500 linear feet; and (iv) the total cost of undergrounding the proposed relocated transmission line does not exceed \$40 million. The bill requires that existing overhead transmission lines that meet such criteria be replaced and relocated with a new underground transmission line and that the location of the new underground transmission line be consistent with the comprehensive plan and the economic development priorities of the governing body of the locality in which the new underground transmission line is to be placed. The bill has an expiration date of December 31, 2021. (Patron: Saslaw)

SB 1007 Stormwater management; inspections.

A BILL to amend and reenact § 62.1-44.15:28 of the Code of Virginia to direct the State Water Control Board to adopt regulations that require that a long-term maintenance agreement for any best management practice that is a wet pond provide for inspections no more frequently than every three years. (Patron: Reeves)

SB 1067 Regulation of stormwater; airports.

A BILL to amend and reenact § 15.2-2114 of the Code of Virginia, to provide that localities shall provide for full waivers of certain stormwater charges for public use airport runways and taxiways. (Patron: Kiggans)

SB 1093 Surface mineral mines; authorizes a locality to regulate certain aspects.

A BILL to amend and reenact §§ 45.1-161.305, 45.1-181, and 45.1-225.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 45.1-161.311:2.01, to authorize a locality to regulate certain aspects of surface mineral mines. (Patron: Vogel)

Finance

PASSED LEGISLATION

Taxation

HB 62 / SB 107 Transient occupancy tax; removes July 1, 2021, sunset date from Arlington County, etc.

Amends § 58.1-3825.3 of the Code of Virginia to remove the July 1, 2021, sunset date from Arlington County's authority to impose a transient occupancy tax at a rate not to exceed 0.25 percent to be used for the purpose of promoting tourism and business travel in the county. (*Patrons: Hope and Howell*)

HB 307 / SB 931 Income tax, state; subtraction for crime stopper rewards.

Amends § 58.1-322.02 of the Code of Virginia to increase from \$1,000 to \$5,000 the maximum amount that may be subtracted from taxable income for amounts received as a reward for providing information to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, that is used in the apprehension and conviction of perpetrators of crimes. (*Patrons: Cox and Morrissey*)

HB 342 Meals tax and county food and beverage tax; exemption for farmers market and roadside stand sales.

Amends §§ 58.1-3833 and 58.1-3840 of the Code of Virginia to exempt sales by sellers at local farmers markets and roadside stands from meals or food and beverage taxes when such sellers' annual income from such sales does not exceed \$2,500. (*Patron: Bell*)

HB 466 Business licenses; certain localities allowed to waive requirements.

Amends § 58.1-3703.1 of the Code of Virginia to allow localities with a population greater than 50,000 to waive license requirements for

businesses with gross receipts of \$200,000 or less. Current law limits such waiver to businesses with gross receipts of less than \$100,000. (*Patron: Keam*)

HB 502 Litter tax; adds \$100 to the existing penalty for delinquency.

Amends § 58.1-1709 of the Code of Virginia to add \$100 to the existing penalty for litter tax delinquency. (*Patron: Krizek*)

HB 537 / SB 727 Real estate tax; exemption for property in redevelopment or conservation areas.

Amends § 58.1-3219.4 of the Code of Virginia to increase the maximum duration of a local real estate tax exemption for structures in redevelopment or conservation areas or rehabilitation districts from 15 to 30 years. (*Patrons: Carr and McClellan*)

HB 590 / SB 200 Income tax, state; housing choice vouchers, eligible housing areas.

Amends § 58.1-439.12:04 of the Code of Virginia to expand the definition of "eligible housing area" for the housing choice voucher tax credit to include Virginia census tracts in the Washington-Arlington-Alexandria Metropolitan Statistical Area in which less than 10 percent of the population lives below the poverty level. Landlords who rent qualified housing units within such areas are eligible for an income tax credit. Current law only applies to such areas within the Richmond and Virginia Beach-Norfolk-Newport News Metropolitan Statistical Areas. The bill establishes a 2025 sunset date on the credit. (*Patrons: Guzman and Barker*)

HB 724 / SB 273 Tangible personal property tax; classes of property, satellites.

Amends § 58.1-3506 of the Code of Virginia to extend the sunset date for the classification of tangible personal property used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District as a separate class of property from 2019 to 2029. (*Patrons: Reid and Bell*)

HB 755 Real property taxes; definitions, blighted and derelict properties in certain localities.

Amends § 58.1-3965 of the Code of Virginia and adds § 58.1-3221.6 to provide that, in certain localities, blighted properties and derelict structures shall constitute a separate class of property for local taxation of real property. Such certain localities may, by ordinance, levy a tax on blighted properties and derelict structures at a rate that exceeds the general real property tax rate by five and 10 percent, respectively. Any tax levied pursuant to such an ordinance shall be imposed upon a determination by the real estate assessor that a property constitutes a blighted property or derelict structure. The bill also provides that, in such certain localities, delinquent tax lands may be sold six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. (*Patron: Aird*)

HB 785 / SB 588 Localities; authority to levy taxes.

Amends §§ 58.1-3818, 58.1-3819, 58.1-3823, and other sections of the Code of Virginia and repeals §§ 58.1-3818.01, 58.1-3818.03, 58.1-3818.04, 58.1-3820, 58.1-3821, and 58.1-3831 to modify or eliminate several restrictions that apply to taxes imposed by counties, and establish a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a 10 percent rate. Under current law, only certain counties may impose an admissions tax. The bill eliminates the limit on the rate of transient occupancy tax that a county may impose. The bill requires that any revenue attributable to a rate over two percent but not exceeding five percent must be dedicated to tourism marketing. The provisions related to the transient occupancy tax have a delayed effective date of May 1, 2021. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up

to a higher maximum rate. The bill authorizes any county to impose a cigarette tax up to a maximum rate of 40 cents per pack. It also provides that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. The provisions related to the cigarette tax have a delayed effective date of July 1, 2021. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. The bill authorizes any county to impose a food and beverage tax of up to six percent and eliminates the requirement that a county hold a referendum before imposing such tax. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent. A county in which a meals tax referendum failed must wait six years before imposing the meals tax. (*Patrons: Watts and Hanger*)

HB 1021 Personal property tax; farm machinery, classification of forest harvesting.

Amends §§ 58.1-3505 and 58.1-3506 of the Code of Virginia to provide that a locality may exempt from tangible personal property taxes certain farm machinery and farm implements, which shall include equipment and machinery used for forest harvesting and silvicultural activities. (*Patron: Adams, L.R.*)

HB 1154 Litter taxes; increases annual amount of tax.

Amends § 58.1-1707 of the Code of Virginia to increase the annual litter tax from \$10 to \$20 and the additional annual litter tax from \$15 to \$30. (*Patron: Lopez*)

HB 1173 / SB 685 Certified pollution control equipment and facilities; tax exemption, timing of certification.

Amends § 58.1-3660 of the Code of Virginia to provide that, upon the request of a political subdivision, the state certifying authority having jurisdiction shall certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis. The

property eligible for such treatment shall be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. (*Patrons: Lopez and Mason*)

HB 1262 Transient occupancy tax; certain counties.

Amends § 58.1-3819 of the Code of Virginia to add Appomattox, Mathews, Middlesex, and New Kent Counties to the list of counties that may impose a transient occupancy tax at a rate above two percent, but not to exceed five percent. The revenue attributable to a rate in excess of two percent shall be used solely for tourism and travel purposes. (*Patron: Hodges*)

HB 1575 Merchants' capital tax; separate classification, retailers.

Amends § 58.1-3510.02 of the Code of Virginia to provide that the merchants' capital of any retailer reported as inventory that is located in a structure that contains at least 200,000 square feet, with at least 200,000 square feet used solely to store such inventory, shall, along with certain wholesalers, be considered a separate classification and may be taxed at a lower rate than other classifications of merchants' capital. Under current law, only merchants' capital of wholesalers meeting a similar threshold of 100,000 square feet constitutes a separate class of property. (*Patron: Cole, M.L.*)

HB 1580 Deeds not taxable; deeds involving only spouses.

Amends § 58.1-810 of the Code of Virginia to replace the term "husband and wife" with "spouses" for purposes of the recordation tax exemption for certain deeds. (*Patron: Sullivan*)

HB 1615 Recordation tax; supplemental writings.

Amends § 58.1-803 of the Code of Virginia, to provide that for a deed of trust or mortgage (i) that conveys property that is either (a) partly within and partly outside the Commonwealth or (b) is within the Commonwealth and secures

debts secured by deeds of trust on property outside the Commonwealth and (ii) secures the entire amount of that debt, recordation tax shall only be imposed on the proportion of debt that the Virginia property bears to the actual value of the entire amount of property conveyed. (*Patron: Sullivan*)

SB 230 Grantor's tax and regional transportation improvement fee; payment of tax or fee.

Amends §§ 58.1-802 and 58.1-802.3 of the Code of Virginia to provide that, for purposes of the grantor's tax and regional transportation improvement fee (the regional WMATA capital fee), the grantor and grantee may arrange that the grantee pay all or a portion of the tax or fee. Current law requires the grantor to pay the tax or fee. (*Patron: Petersen*)

SB 255 Transient occupancy tax; authorizes Prince George County to impose.

Adds § 58.1-3825.4 to the Code of Virginia to authorize Prince George County to impose an additional transient occupancy tax at a rate of up to two percent, for a total maximum rate of seven percent. The revenue from the additional tax shall be used solely for tourism purposes. (*Patron: Ruff*)

SB 277 Income tax, state and corporate; deduction for commuter benefits provided by an employer.

Amends §§ 58.1-322.03 and 58.1-402 of the Code of Virginia to establish, for taxable years 2021 through 2025, an individual and corporate income tax deduction for commuter benefits, defined in the bill, provided by an employer to its employees. The deduction is available only to the employer and is limited to \$265 per employee. (*Patron: Barker*)

SB 590 Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax.

Amends §§ 58.1-439.7, 58.1-609.3, and 58.1-3507 of the Code of Virginia to postpone from 2020 to 2025 the sunset date of the income tax credit for purchase of equipment for processing

recyclable materials. Starting in taxable year 2020, the bill makes eligible for the credit purchases of equipment used in advanced recycling, defined in the bill. The bill provides that certain machinery, tools, and materials used in advanced recycling shall be exempt from sales tax. Starting in taxable year 2021, the bill provides that such machinery, tools, and materials shall be segregated and classified as machinery and tools, which are taxed at a lower rate than the generally applicable personal property tax rate. (*Patron: Hanger*)

Compensation and Retirement

HB 51 / SB 40 Line of Duty Act; eligible dependents.

Amends § 9.1-400 of the Code of Virginia to provide that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if their birth or adoption occurred after the time of the employee's death or disability, but prior to July 1, 2017. Under current law, such children are not eligible unless they were adopted pursuant to a preadoptive agreement entered into prior to the death or disability. (*Patrons: Knight and DeSteph*)

HB 536 / SB 109 Virginia Retirement System; accidental death and dismemberment benefits, definitions.

Amends §§ 51.1-500 and 51.1-505.01 of the Code of Virginia to change the funding structure for the Virginia Retirement System's obligation to fund a savings trust account for higher education for a qualifying child of a VRS member who dies as a result of an accident caused by a felonious assault committed by other than an immediate family member. The bill requires VRS to contribute to such trust account an amount equal to the current average cost, as published by the State Council of Higher Education for Virginia, of four years of tuition and mandatory fees at baccalaureate public institutions of higher education in the Commonwealth. This requirement replaces VRS's obligation under

current law to contribute to such trust account an amount equal to the full cost of a prepaid tuition contract. The bill also narrows use of the trust account to include only qualified higher education expenses to account for changes to § 529 of the Internal Revenue Code. (*Patrons: Carr and Ruff*)

HB 1513 Health insurance; credits for retired school division employees.

Amends § 51.1-1402 of the Code of Virginia and adds § 51.1-1402.1 to require school divisions to provide a health insurance credit of \$1.50 per year of service to non-teacher employees of a local school division with at least 15 years of total creditable service. In addition, localities may elect to provide such individuals an additional health insurance credit of up to \$1 per month for each year of creditable service. However, the bill provides that the additional benefits for retired school division employees other than teachers shall not be paid to any such employee prior to July 1, 2021. This measure does not apply to any local school division employee who retired on disability prior to July 1, 2020, if this measure would reduce the monthly credit currently payable to such former member. Eligible employees who retired prior to July 1, 2020, and did not receive a health insurance credit prior to that date will only receive the \$1.50 per year of service health insurance credit prospectively. (*Patron: McQuinn*)

Other

HB 316 Refunds of local taxes; authority of treasurer.

Amends § 58.1-3981 of the Code of Virginia to increase from \$2,500 to \$5,000 the maximum amount at which the governing body of a locality may authorize its treasurer to approve and issue a refund of taxes paid as a result of an erroneous tax assessment. (*Patron: Gooditis*)

HB 341 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 tax information related to the federal earned income tax credit and the Virginia income tax credit for low-income taxpayers with the Department of Social Services as necessary to administer outreach and enrollment related to such credits. (*Patron: Roem*)

HB 406 Local government revenues and expenditures; comparative report, filing date.

Amends § 15.2-2510 of the Code of Virginia to change 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: Subramanyam*)

HB 535 Real estate with delinquent taxes or liens; sales by nonprofit organizations.

Amends § 58.1-3970.1 of the Code of Virginia to provide that a nonprofit organization that acquires real estate with delinquent taxes or liens pursuant to the appointment of a special commissioner may sell to eligible purchasers either (i) both the land and structural improvements on a property or (ii) only the structural improvements of a property, without the land. The bill provides that a sale of only the structural improvements is permissible only if (a) the improvements are subject to a long-term ground lease with a community land trust and (b) the community land trust retains a preemptive option to purchase such improvements at a price determined by a formula that ensures that the improvements remain affordable in perpetuity to low-income and moderate-income families. (*Patron: Carr*)

HB 730 / SB 211 Third-party settlement organizations; reporting of payments.

Adds § 58.1-356 to the Code of Virginia to require third-party settlement organizations (TPSOs) to report to the Tax Department

the gross amount of payments made to any participating payee, a person who receives payment from a TPSO. Generally speaking, a TPSO is a company that provides a platform for buyers and sellers to transact goods or services and settles transactions between those parties. Examples of TPSOs would be marketplace facilitators and “gig economy” platforms. Under federal law, payments by TPSOs to participating payees need not be reported unless they exceed \$20,000 and there are more than 200 transactions between the TPSO and the participating payee. The bill instead requires use of the standard 1099 reporting threshold of \$600 for non-TPSO income as the level at which TPSO income must be reported to the Tax Department. The requirements of the bill apply only to payments to participating payees with a Virginia address. (*Patrons: Watts and Howell*)

HB 760 Annual local audit; enforcement mechanism, civil penalty.

Amends § 15.2-2511 of the Code of Virginia to provide an enforcement mechanism if a locality that is late in completing its required audit fails to give proper notification of the delayed audit. Such enforcement may include a writ of mandamus and a civil penalty of between \$500 and \$2,000. (*Patron: Aird*)

HB 1534 / SB 649 Town taxes; collection by county.

Amends § 15.2-826 of the Code of Virginia to authorize the board of supervisors of any county that has adopted the urban county executive form of government to enter into agreements with towns located partially or wholly within such county for the collection and enforcement of real or personal property taxes by the county official responsible for assessment or collection of taxes. The authority granted to such counties is similar to authority granted to Loudoun County under existing law. (*Patrons: Samirah and Boysko*)

HB 1581 Delinquent real property taxes; correction of tax records.

Amends §§ 8.01-98 and 58.1-3981 of the

Code of Virginia to transfer from the local clerk of court to the local treasurer the duties of maintaining records of delinquent real property taxes and sales of such property and of correcting records relating to such property. *(Patron: Heretick)*

HB 1582 Delinquent tax lands; threshold for nonjudicial sale.

Amends § 58.1-3975 of the Code of Virginia to raise the assessment threshold at which a local treasurer or other officer responsible for collecting taxes has general authority to sell real property with over three years of delinquent taxes from less than \$5,000 to no more than \$10,000 and extends such authority to improved as well as unimproved parcels of real property. The bill raises the assessment range at which such officer may sell parcels of real property with over three years of delinquent taxes and that meet certain criteria from at least \$5,000 but less than \$20,000 to more than \$10,000 but no more than \$25,000. The bill increases the size of unimproved parcels that may be sold from less than 4,000 square feet to one acre or less. *(Patron: Heretick)*

HB 1587 Investment of public funds; ratings agencies.

Amends §§ 2.2-4400, 2.2-4502, and 2.2-4509 through 2.2-4512 of the Code of Virginia to allow ratings by Fitch Ratings to be used for determining whether certain investments are permissible for public funds. Under current law, only ratings by Standard & Poor's or Moody's Investors Service may be used. *(Patron: Hope)*

HB 1679 Business licenses; acceptable identification.

Adds § 58.1-3703.2 to the Code of Virginia to provide that for any application for a business license issued by a locality under its business, professional, and occupational license taxing authority, the locality shall not require an applicant to provide a social security number if the applicant provides his federal employer identification number instead. Further, if a

valid federal employer identification number is provided, the locality shall not be required to determine the residency status of the applicant. *(Patron: Davis)*

SB 725 Classification of land and improvements for tax purposes; City of Richmond.

Amends § 58.1-3221.1 of the Code of Virginia to authorize the City of Richmond to impose a tax rate on improvements to real property that is different than the City's tax rate on the land upon which the improvements are located, provided that the tax rate is not zero and does not exceed the tax rate imposed on the land. Under current law, the Cities of Fairfax, Roanoke, and Poquoson have the authority to tax improvements and land at different rates. *(Patron: McClellan)*

Constitutional Amendments

HJ 103 Constitutional amendment; personal property tax exemption for motor vehicle of a disabled veteran.

Proposes a Constitutional amendment 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. *(Patron: Helmer)* **HB 1268** provides for a referendum on the amendment at the November 3, 2020, election *(Patron: Helmer)*

CONTINUED TO 2021

HB 69 Credit unions; authorizes localities and political subdivisions to hold public deposits.

Authorizes localities and political subdivisions to hold public deposits in a credit union.

The measure allows localities and political subdivisions to become members of a credit union for purposes of placing deposits in and receiving services from the credit union. *(Patron: Carter)*

HB 947 Green development zones; investments in green technologies.

Provides that a locality may grant tax incentives to businesses located in a green development zone that invest in green technologies. Under current law, such incentives may be granted only to green development businesses located in a green development zone or businesses operating in an energy-efficient building located in a green development zone. *(Patron: Webert)*

HB 1698 Sales and Use Tax; exemption for railroad rolling stock.

Provides that the sales tax exemption for railroad rolling stock shall expire on July 1, 2021. *(Patron: Byron)*

FAILED LEGISLATION

HB 302 Litter tax; repeals annual tax.

Repeals the annual litter tax. The bill does not affect any litter tax levied prior to July 1, 2020. *(Patron: McNamara)*

HB 309 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 363 / SB 143 Disabled veterans and surviving spouses; state subsidy of property tax exemptions.

Requires the Commonwealth to subsidize local real estate tax relief for disabled veterans and surviving spouses of members of the armed forces killed in action when more than one percent of a locality's real estate tax base is lost due to such state-mandated tax relief programs. The Commonwealth would subsidize only that

portion of tax-exempt real estate that exceeds the one percent threshold. The bill requires the Auditor of Public Accounts to establish an application process whereby a locality would demonstrate that more than one percent of its real estate tax base was lost. The Auditor would certify to the Governor and the General Assembly those localities that would be eligible for a subsidy, and the Governor would include in the Budget Bill a proposed appropriation of the amount of the state subsidy to be provided to localities certified as eligible localities.

(Patrons: Cole, M.L. and Stuart) *(HB 363 failed; SB 143 was continued to 2021)* **HB 1496**, which also failed, is similar. *(Patron: Mugler)*

HB 480 Virginia Retirement System; enhanced retirement benefits for 911 dispatchers.

Adds 911 dispatchers to the list of local employees eligible to receive enhanced retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions. The bill provides that such benefits would be available only to dispatchers hired starting in 2021. *(Patron: Subramanyam)*

HB 679 Real and personal property tax exemptions; repeals exemptions.

Repeals the property tax exemptions for all nonprofit entities that were granted by the General Assembly by designation, effective July 1, 2025. Any locality may grant property tax exemptions to any such organizations to become effective on or after that date. *(Patron: LaRock)*

HB 766 Income tax, state; subtractions for volunteer firefighters, etc.

Provides a state income tax subtraction of \$20 per hour, up to a maximum of 300 hours per taxable year, for bona fide volunteers who perform qualifying services, defined in the bill as volunteer firefighting and fire prevention services, emergency medical services,

ambulance services, emergency rescue services, and all training and training-related activities required by law. (*Patron: LaRock*) **HB 1397** is similar. (*Patron: Robinson*)

HB 948 License taxes; prohibition on rate increases, prohibition on new taxes.

Provides that any locality that levies license taxes shall be prohibited from increasing the rate of those taxes above the rate imposed as of January 1, 2020. The bill also prohibits any locality that does not levy license taxes from levying such a tax in the future. (*Patron: Webert*)

HB 1008 Personal property tax; exemption for household goods and personal effects.

Provides that for any tangible personal property tax exemption provided by a locality, household goods and personal effects owned and used by an individual incident to maintaining a vacation home shall be exempt if the preponderance of use for the vacation home is as a residence for its owners. (*Patron: Davis*)

HB 1019 Motor vehicle sales and use tax; definition of sale price, trade-in vehicles.

Provides that for the purposes of calculating the motor vehicle sales and use tax for new vehicle purchases only, the sale price shall be reduced by the value of any trade-in vehicle. Under current law, no allowance or deduction is given for the value of a trade-in vehicle. (*Patron: Adams, L.R.*)

HB 1120 / SB 852 Tobacco products; tax on all tobacco products, penalties.

Provides that tobacco products, defined in the bill, would be subject to tax at rates of \$1.80 per pack of cigarettes or 39 percent of the wholesale price for all other tobacco products. Current law imposes taxes of \$0.30 per pack of cigarettes, 10 percent of the wholesale price of certain tobacco products, and various weight-based rates that apply to moist snuff and loose leaf tobacco. The bill broadens the definition

of "tobacco product" to include electronic smoking devices, which are not taxed under current law. The bill authorizes all localities to tax all tobacco products with no restriction on the tax rate. The bill dedicates portions of revenue accruing as a result of the tax increases and new taxes established by the bill. (*Patrons: Hope and Ebbin*) (*HB 1120 continued to 2021; SB 852 failed*)

HB 1156 Historic rehabilitation; increases tax credit.

Increases from \$5 million to \$10 million the maximum amount of the historic rehabilitation tax credit, including amounts carried over from prior taxable years, which may be claimed by a taxpayer in any taxable year. (*Patron: Lopez*)

HB 1520 Real property tax; homestead tax relief.

Permits a taxpayer to defer up to 95 percent of taxes on his homestead, defined in the bill, if the amount of real property tax on his homestead has increased by at least 25 percent since the date of purchase. The amount deferred must be paid upon transfer of the property or the owner's death. (*Patron: McQuinn*)

HB 1583 Treasurers, local; power to summon taxpayers and other persons.

Provides that a local treasurer's power to summon a taxpayer or other person to answer questions under oath or produce documents for the purpose of collecting delinquent amounts owed to the locality applies to any amounts, charges, or fees owed to the locality as well as to taxes owed to the locality. (*Patron: Heretick*)

HB 1694 Tax credits; creates vested interest.

Creates a vested interest when a taxpayer claims a tax credit, including an interest in any conditions placed upon the credit, and prohibits alteration of such interest by a subsequent action of the General Assembly. The provisions of the act are retroactive but shall

not be construed to extend the time during which a taxpayer may file an amended tax return. (*Patron: Fariss*)

HB 1728 Motor vehicles; car tax credit for paid tolls.

Provides that localities may allow taxpayers a credit against the amount of tangible personal property tax paid on privately owned or leased motor vehicles. The credit shall equal the amount of tolls paid by a taxpayer for traveling on highways in the Commonwealth in the period for which the tax was imposed. The credit shall be nonrefundable and cannot be carried over beyond the period in which the tax was imposed. (*Patron: LaRock*)

SB 188 Legislation; negative local fiscal impact on local government.

Requires legislation with a negative local fiscal impact to be filed no later than the December 15 immediately preceding the first day of a regular session of the General Assembly. If a standing committee of the General Assembly to which a bill is referred that was not introduced by December 15 determines that a bill has a negative local fiscal impact, the bill shall be rereferred to the House or Senate Committee on Rules as appropriate. If the Committee on Rules determines that there is a negative local fiscal impact, the bill shall be ruled out of order. The bill also requires the Commission on Local Government to work with the Virginia Association of Counties and the Virginia Municipal League to develop processes and procedures for a review of fiscal impact of legislation. (*Patron: Peake*)

SB 231 Retail Sales and Use Tax; exemption for menstrual supplies.

Provides that menstrual supplies shall be fully exempt from sales and use tax. The exemption would be available from July 2021 to July 2026. Under current law, menstrual supplies are subject to a reduced state sales tax rate of 1.5 percent, which also applies to food purchased for human consumption and essential personal hygiene products, as well as a local sales

tax rate of 1 percent. The bill has a delayed effective date of July 1, 2021. The provisions of the bill are contingent on funding in a general appropriation act. (*Patron: Boysko*)

SB 671 Virginia Retirement System; return to employment by certain retired employees.

Provides that a political subdivision participating in the Virginia Retirement System may hire up to two retirees at a time to return to work in full-time positions. Such employees may receive their service retirement allowance during the subsequent period of employment provided that there was a bona fide break in service of one year between retirement and employment in the full-time position and that there was no prearrangement for reemployment. The provisions of the bill are contingent on funding in a general appropriation act. (*Patron: Mason*)

SB 919 Broadband providers; establishes a sales and use tax exemption, effective clause.

Establishes a sales and use tax exemption for broadband providers that purchase technology for improving existing broadband infrastructure. The provisions of the bill are contingent on funding in a general appropriation act. (*Patron: Peake*)

SB 962 Income and receipts taxes on public service corporations; authorizing localities.

Repeals existing state and local gross receipts, revenue, and alternative minimum taxes that currently apply to public service corporations. The bill eliminates the authority of the State Corporation Commission to assess the tax value of real and personal property of public service corporations and eliminates the authority of the Department of Taxation to assess the tax value of real and personal property of railroads and pipeline transmission companies. However, the Department of Taxation would retain such authority with respect to rolling stock. The bill requires localities to assess and tax the real and personal property of public

service corporations, except the rolling stock of railroads, in accordance with existing laws governing local real and personal property taxation. (*Patron: Ruff*)

SB 1057 Virginia Retirement System; health insurance credits for retired state employees.

Increases annually the amount of the health insurance credit for retirees who rendered at least 30 years of creditable service in the Virginia Retirement System. The bill increases the credit by the same percentage as any annual post-retirement supplement that is calculated for employees hired on or after July 1, 2010. The bill also increases the health insurance credit for constitutional officers and other employees who rendered at least 15 years of creditable service. The monthly credit for such employees would be the greater of \$120 or \$4 per year of service. Under current law, the credit for such employees is limited to \$45 per month. The provisions of the bill are contingent on funding in a general appropriation act. (*Patron: Ruff*)

General Government

PASSED LEGISLATION

Alcohol Beverage Control (ABC)

HB 598 / SB 212 Alcoholic beverage control; creates annual mixed beverage performing arts facility license.

Amends § 4.1-210 of the Code of Virginia, to create an annual mixed beverage performing arts facility license. (*Patrons: Murphy and Favola*)

HB 949 / SB 689 Alcoholic beverage control; privileges of local special events licensees.

Amends § 4.1-206 of the Code of Virginia, to change the provision limiting local special events licenses from 12 to 16 special events per year and provides that the duration of any special event shall not exceed three consecutive days. (*Patrons: Webert and Vogel*)

HB 1088 Alcoholic beverage control; walking tour permit.

Amends § 4.1-212 of the Code of Virginia, to remove the requirement that food cooked or prepared on the premises be served at each retail on-premises licensee visited by a tour company guiding individuals for compensation pursuant to a walking tour permit. (*Patron: Carr*)

SB 181 Alcoholic beverage control; commercial lifestyle center.

Amends § 4.1-100 of the Code of Virginia to reduce from 25 to 10 the minimum number of acres upon which a commercial development must sit in order to qualify for licensure as a commercial lifestyle center. (*Patron: Favola*)

SB 441 Alcoholic beverage control; winery license privileges.

Amends § 4.1-207 of the Code of Virginia, to

allow winery licensees to sell wine at retail on the premises described in the winery license for on-premises consumption or in closed containers for off-premises consumption, provided that such wine is manufactured on the licensed premises. (*Patron: Surovell*)

SB 496 Alcoholic beverage control; culinary lodging resort.

Amends §§ 4.1-100 and 4.1-210 of the Code of Virginia, to allow culinary lodging resorts to obtain a mixed beverage restaurant license. (*Patron: Edwards*)

SB 497 Alcoholic beverage control; mixed beverage restaurant license, mini bottles.

Amends § 4.1-210 of the Code of Virginia, to allow mixed beverage restaurant licensees located on the premises of and operated by a private, nonprofit, or profit club to sell spirits packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters for on-premises consumption. (*Patron: Edwards*)

SB 498 Alcoholic beverage control; expands definition of resort complex.

Amends § 4.1-100 of the Code of Virginia, to expand the definition of “resort complex” and permit such facilities to obtain a mixed beverage restaurant, on-premises wine and beer, or on-and-off premises wine and beer license. (*Patron: Edwards*)

SB 833 Alcoholic beverage control; limitation of tasting licenses.

Amends § 4.1-221.1, as it is currently effective and as it shall become effective, of the Code of Virginia, to increase from four to 12 the number of tasting licenses that may be issued to a person per year. (*Patron: Ebbin*)

SB 1029 Alcoholic beverage control; gourmet shop license, distiller participation in tastings.

Amends § 4.1-209 of the Code of Virginia, to allow distillers to participate in tastings held by gourmet shop licensees. (*Patron: Mason*)

Administration of Government

HB 117 / SB 127 Virginia Geographic Information Network Advisory Board; increases membership.

Amends § 2.2-2423 of the Code of Virginia, to add two county, city, town, or regional government geographic information system (GIS) directors or managers as members of the Virginia Geographic Information Network Advisory Board. (*Patrons: Wright and Suetterlein*)

HB 396 Redevelopment and housing authority; increases compensation of commissioners.

Amends § 36-11.1:1 of the Code of Virginia, to increase from \$150 to \$500 per month the maximum compensation that may be paid to a redevelopment and housing authority commissioner. (*Patron: Kory*)

HB 404 Public libraries; providing an essential service to communities of the Commonwealth.

Amends § 42.1-46 of the Code of Virginia, to provide that it is the policy of the Commonwealth that public libraries are deemed to provide an essential service to the communities of the Commonwealth. (*Patron: Keam*)

HB 738 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,” “chairperson,” or “chair-at-large,” in the presiding officer’s discretion. (*Patron: Reid*)

HB 760 Annual local audit; enforcement mechanism, civil penalty.

Amends § 15.2-2511 of the Code of Virginia to provide an enforcement mechanism if a locality that is late in completing its required audit fails to give proper notification of the delayed audit. Such enforcement may include a writ of mandamus and a civil penalty of between \$500 and \$2,000. (*Patron: Aird*)

HB 1679 Business licenses; acceptable identification.

Amends the Code of Virginia by adding a section numbered 58.1-3703.2, to provide that for any application for a business license issued by a locality under its business, professional, and occupational license taxing authority, the locality shall not require an applicant to provide a social security number if the applicant provides his federal employer identification number instead. Further, if a valid federal employer identification number is provided, the locality shall not be required to determine the residency status of the applicant. (*Patron: Davis*)

SB 941 Local government meetings; weather.

Amends the Code of Virginia by adding in 15.2-111, to authorize any political subdivision, board of zoning appeals, or local government board, commission, or authority, by resolution adopted at a regular meeting, to fix the day or days to which a regular meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. The bill requires that such findings be communicated to the members and the press as promptly as possible and that all hearings and other matters previously advertised be conducted at the continued meeting, and no further advertising is required. (*Patron: Locke*)

SB 977 Local governing body meetings; public comment, during a regular meeting at least quarterly.

Amends § 15.2-1416 of the Code of Virginia to require a governing body to provide members of the general public with the opportunity for public comment during a regular meeting at least quarterly. (*Patron: Suetterlein*)

SB 1051 Virginia Public Records Act; availability of public records.

Amends § 42.1-78 and adds 42.1-91.1 of the Code of Virginia, to provide that upon a

petition filed with the clerk, a judge may enter an order releasing any record in the custody of The Library of Virginia that was sealed prior to January 1, 1901. The bill also provides that notwithstanding any provisions of a previously executed contract with any department, agency, or institution of the Commonwealth or political subdivision, any individual or private entity lawfully in possession of public records created prior to January 1, 1901, or images of such records may display or publish such records in any format, including in an electronic database or on the Internet, without paying a fee to or requesting permission from the original custodian of such records. (*Patron: Deeds*)

Conflicts and Ethics

HB 1011 Virginia Conflict of Interest and Ethics Advisory Council; powers & duties.

Amends §§ 2.2-3104.02, 2.2-3115, 30-103, and 30-356 of the Code of Virginia, to clarify that the Virginia Conflict of Interest and Ethics Advisory Council may give guidance to constitutional officers and legislators regarding the prohibition on representing clients before their agency for one year after leaving office. The bill also requires the Council and the clerks of local governing bodies and school boards to redact email addresses from disclosure forms prior to releasing them to the public. Current law requires such entities to redact any residential address, personal telephone number, or signature. (*Patron: Herring*)

HB 1369 Land bank entities; conflict of interests.

Amends § 15.2-7505 of the Code of Virginia, to replace an existing conflict of interests standard for members of the board and employees of a land bank entity by providing that, with regard to any contract or proposed contract for materials to be furnished to or used by the land bank entity, such members and employees are subject to the State and Local Government Conflict of Interests Act. (*Patron: Leftwich*)

HB 1527 / SB 701 Conflict of Interests Act, State & Local Gov't, and FOIA; training requirements for ex. Directors of IDA and EDA.

Amends §§ 2.2-3132 and 2.2-3704.3 of the Code of Virginia, to require the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, to take training on the provisions of the State and Local Government Conflict of Interests Act and the Freedom of Information Act at least once every two years. The bill requires such officials in office on July 1, 2020, to complete such training no later than December 31, 2020. Training on the Virginia Freedom of Information Act may be provided online by the Virginia Freedom of Information Advisory Council or the local government attorney. Training on the State and Local Government Conflict of Interests Act shall be provided by the Virginia Conflict of Interest and Ethics Advisory Council and may be provided online. The clerk of the respective governing body is responsible for maintaining training records. (*Patrons: Webert and Obenshain*)

HB 1528 / SB 703 Conflict of Interests Act, State and Local Government; disclosure by executive directors & members.

Amends § 2.2-3115 of the Code of Virginia, to require the executive director and members of each industrial development authority and economic development authority, as created under the authority of the Industrial Development and Revenue Bond Act, to file a Statement of Economic Interests (SOEI) with the clerk of the local governing body as a condition to assuming office and thereafter annually on or before February 1. The first disclosure form for the executive director and members of each industrial development authority and economic development authority will be due on August 1, 2020. Current law requires members of industrial development authorities and economic

development authorities to file a Financial Disclosure Statement unless the governing body that appoints the members has required the members to file an SOEI. The bill makes the filing of an SOEI mandatory. Current law provides that any person who knowingly and intentionally makes a false statement of material fact on the SOEI is guilty of a Class 5 felony. (*Patrons: Webert and Obenshain*)

Elections

HB 1 / SB 111 Absentee voting; no excuse required.

Amends §§ 24.2-416.1, 24.2-452, 24.2-612, and other sections of the Code of Virginia to permit any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. (*Patrons: Herring and Howell*)

HB 19/ SB 65 Voter identification; signed statement in lieu of required form of identification, penalty.

Amends §§ 24.2-404, 24.2-411.1, 24.2-643, and other sections of the Code of Virginia to remove the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill specifies the identification documents that voters are required to provide. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. (*Patrons: Lindsey and Locke*)

HB 43 Provisional voting; persons voting in split precincts.

Amends § 24.2-653 of the Code of Virginia and adds § 24.2-653.2 to provide that any voter who is assigned to a precinct that is split between two or more election districts and who believes he was given a ballot for the district of which he is not a qualified voter may cast a provisional ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered. The bill requires the ballots to be sealed in envelopes labeled with the corresponding district number and then sealed in the green envelope provided for all provisional ballots. At the meeting to determine the validity of all provisional ballots offered in the election, the electoral board shall verify in which district the voter is qualified and count that ballot. (*Patron: Cole, M.L.*)

HB 105 Congressional and state legislative districts; written descriptions of boundaries not required.

Amends § 30-264 of the Code of Virginia to remove the requirement that the Division of Legislative Services prepare written descriptions of the boundaries of congressional and state legislative districts. The bill does not affect provisions under current law that district boundaries are legally defined by the county and city boundaries reported in the decennial Census reports and by reference to precincts, parts of precincts, and census blocks listed in the Statistical Reports for each district. (*Patron: Lindsey*)

HB 108 / SB 601 Legal holidays; Election Day.

Amends § 2.2-3300 of the Code of Virginia to designate Election Day, the Tuesday after the first Monday in November, as a state holiday and remove Lee-Jackson Day as a state holiday. (*Patrons: Lindsey and Lucas*)

HB 146 Sample ballots; color of paper of unofficial sample ballots.

Amends § 24.2-622 of the Code of Virginia to remove the restriction on unofficial sample ballots being printed on yellow paper. With this bill, unofficial sample ballots are prohibited only from being printed on white paper. (Patron: Lindsey)

HB 179 Recounts; procedure for certain ballots.

Amends § 24.2-802 of the Code of Virginia to require recount officials to segregate all ballots for which there is a question regarding the ballot's validity prior to the conclusion of the recount of each precinct. The bill provides that the recount court may not consider the validity of any ballots not set aside prior to the conclusion of the recount of each precinct. (Patron: Levine)

HB 186 Election day page program; central absentee voter precinct.

Amends § 24.2-604.3 of the Code of Virginia to remove the prohibition against an election day page program being conducted in a central absentee voter precinct. (Patron: Simon)

HB 196 Employment discrimination; prohibits against electoral board member, etc., for election day service.

Amends the Code of Virginia by adding § 24.2-119.1 and repealing § 24.2-118.1 to prohibit discrimination in employment against electoral board members and assistant general registrars on the basis of service on election day or at a meeting of the electoral board following the election to ascertain the results of the election. Current law prohibits such employment discrimination only on the basis of election day service and only against officers of election. (Patron: Gooditis)

HB 198 Recounts; special election to be held in the case of a tie vote, exception.

Amends §§ 24.2-674 and 24.2-802 of the Code of Virginia to provide that if, after a recount of an election, the recount court finds that each party to the recount has received an

equal number of votes, there shall be a special election to determine which candidate is elected to the office. Provision would not apply in cases of tie votes occurring after a recount of election for Governor, Lieutenant Governor, or Attorney General, which the Constitution of Virginia provides for, or for electors of President & Vice President of the United States, which will be determined by lot. (Patron: Price)

HB 201 Elections; same-day registration.

Amends § 24.2-420.1 of the Code of Virginia to provide that any person who is qualified to vote is entitled to register to vote in person up to and including the day of the election at the office of the general registrar in the locality in which the person resides or at the polling place for the precinct in which the person resides. Under current law, registration records close for registration purposes, whether in person or by other means, 21 days prior to a primary or general election. The bill has a delayed effective date of October 1, 2022. (Patron: Ayala)

HB 202 Officers of election; timing of additional training following change in law or regulation.

Amends § 24.2-115.2 of the Code of Virginia to require the additional training for officers of elections occurring after a change in an election law or regulation to take place not less than three days prior to the first election occurring in the locality after the law or regulation has taken effect. Currently such training is required to take place not later than three days prior to the November general election following the enactment of the law or regulation. (Patron: Tran)

HB 207 Absentee voting; no excuse required, permanent absentee voter list.

Amends §§ 24.2-416.1, 24.2-452, 24.2-612, and other sections of the Code of Virginia to permit any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other

sections of the Code. The bill also provides for a special application by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote. A voter on the permanent absentee voter list remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. The permanent absentee voter list provisions do not become effective until July 1, 2021. (*Patron: VanValkenburg*)

HB 213 Voter identification; accepted forms of identification, out-of-state student identification card.

Amends § 24.2-643 of the Code of Virginia to add to the list of acceptable forms of voter identification a valid student photo identification card issued by any institution of higher education located in any other state or territory of the United States. Currently, students from any institution of higher education located in Virginia can use their student photo identification cards for purposes of voting. (*Patron: Sullivan*)

HB 214 Candidate petitions; residency of petition circulators, signed statement required for nonresident.

Amends §§ 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia to remove the requirement that a person circulating a petition of qualified voters be a legal resident of the Commonwealth. (*Patron: Sullivan*)

HB 220 Absentee voting; postage prepaid on return envelope.

Amends § 24.2-706 of the Code of Virginia to require the envelope provided to an absentee voter for the return of the absentee ballot to include prepaid postage. The provisions of the bill do not become effective unless reenacted by the 2021 Session of the General Assembly. (*Patron: Krizek*)

HB 235 / SB 219 Voter registration; automatic voter registration.

Amends §§ 24.2-410.1, 24.2-412, 24.2-413, and other sections of the Code of Virginia; adds § 24.2-411.3; and repeals § 24.2-411.1 to provide for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card if the person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. (*Patrons: Cole, J.G. and Marsden*)

HB 236 / SB 856 Elections, State Board of; increasing membership and terms, role and eligibility, report.

Amends §§ 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. Representation is 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 provides that a Commissioner of Elections, who acts as the principal administrative officer of the Department of Elections, shall be appointed by the Governor. Delayed effective date of January 1, 2021. (*Patrons: Sickles and Ebbin*)

HB 237 Electoral boards, local; terms to begin January 1.

Amends § 24.2-106 of the Code of Virginia to provide for terms of local electoral board members to begin on January 1. If the results of an election have not been certified by the board

or a recount of an election has not concluded, the term will expire at midnight on the day the results are certified or the recount is concluded, instead of December 31. Under current law, terms begin March 1. (*Patron: Sickles*)

HB 238 / SB 455 Absentee voting; deadline for returning absentee ballot.

Amends § 24.2-709 to provide that any absentee ballot that is returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and postmarked on or before the date of the election shall be counted if the voter is found entitled to vote. (*Patrons: Sickles and Reeves*)

HB 239 Absentee voting; extends deadline for applying for an absentee ballot to cast other than in person.

Amends §§ 24.2-701, 24.2-703, and other sections of the Code of Virginia to adjust the deadline for a voter to apply for an absentee ballot that is to be cast by mail from the seventh day prior to the election to the eleventh day prior to the election. Bill adjusts the deadline for applications for multiple elections for uniformed and overseas voters and emergency applications and absentee ballots for persons incapacitated or hospitalized. (*Patron: Sickles*)

HB 240 Absentee voting; annual applications for eligible absentee voters.

Amends § 24.2-703.1 of the Code of Virginia to provide that any person who is eligible for an absentee ballot and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in that calendar year. Under current law, such a special annual application is available to persons who are eligible to vote absentee due to a disability or illness and are likely to remain eligible to vote absentee due to such disability or illness. (*Patron: Sickles*)

HB 241 Protected voter status; certain evidence not required.

Amends § 24.2-418 of the Code of Virginia to remove the requirement that a person who is in fear for his personal safety from another person who has threatened or stalked him must provide evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person in order to be granted protected voter status. (*Patron: Sickles*)

HB 242 Absentee voting; emergency voting.

Amends §§ 24.2-705 and 24.2-710 of the Code of Virginia and repeals §§ 24.2-705.1 and 24.2-705.2 to provide a process by which a qualified voter is permitted to vote by absentee ballot when an emergency either prevented him from applying for an absentee ballot by the deadline or will prevent him from voting in person on election day. The bill also provides for the Commissioner of Elections to take administrative action to facilitate absentee voting by those persons providing emergency or other services in an area in which a state of emergency has been declared. (*Patron: Sickles*)

HB 506 County manager plan; election of board members by instant runoff voting.

Amends § 15.2-705 of the Code of Virginia and adds § 15.2-705.1 to provide that, in a county operating under the county manager plan of government (Arlington County), elections to nominate candidates for and to elect candidates to the board of supervisors may be conducted by instant runoff 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 such that in each round either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. Provides that

the State Board of Elections may promulgate regulations governing elections determined by instant runoff voting. Provides that any costs incurred by the Department of Elections related to technological changes necessary for the implementation of ranked choice voting shall be charged to the localities exercising the option to proceed with ranked choice voting. (*Patron: Hope*)

HB 539 Elections, State Board.

Amends § 24.2-103 of the Code of Virginia to require that the State Board of Elections' supervision of the work of the local electoral boards and general registrars ensures that major risks to election integrity are identified and assessed and addressed as necessary to promote election uniformity, legality, and purity. (*Patron: Carr*)

HB 872 Voter registration by mail; certain first-time voters permitted to vote by absentee ballot.

Amends § 24.2-416.1 of the Code of Virginia to add to the list of exceptions to the requirement that first-time voters who registered to vote by mail must vote in person those voters who are entitled under current law to vote by absentee ballot because they are confined awaiting trial or been convicted of a misdemeanor. (*Patron: Bourne*)

HB 1053 Voting systems; voter-verifiable paper record.

Amends §§ 24.2-101, 24.2-629, and 24.2-668 of the Code of Virginia to require any electronic voting system approved by the State Board of Elections to retain each printed ballot cast. Printed ballots are currently defined to include machine-readable ballots, and the bill amends the definition of a machine-readable ballot to mean a tangible ballot that is marked by a voter or by a system or device operated by voter, is available for verification by the voter at the time the ballot is cast, and is then fed into and scanned by a separate counting machine. (*Patron: Levine*)

HB 1103 Ranked choice voting; elections for local governing bodies, local option pilot program.

Adds § 24.2-673.1 to the Code of Virginia provide that elections for local governing bodies may be conducted by ranked choice voting. Allows any local governing body to decide to conduct such election by ranked choice voting and requires any such decision to be made in consultation with the local electoral board and general registrar and by a majority vote of the governing body. Authorizes the State Board of Elections to promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting. 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. The bill has a delayed effective date of July 1, 2021, and sunsets on July 1, 2031. (*Patron: Hudson*)

HB 1210 Minority language accessibility; voting and election materials.

Amends § 24.2-105 of the Code of Virginia and adds § 24.2-124 to require the State Board of Elections to prescribe, and a covered locality (as defined in the bill) to provide, voting and election materials in languages other than English. The bill also allows the State Board to make available voting and election materials in any additional languages other than those required as it deems necessary and appropriate. The State Board may accept voting and election materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available to a county, city, or town, or any voter. Delayed effective date of September 1, 2021. (*Patron: Tran*)

HB 1255 / SB 717 Congressional and state legislative districts; standards and criteria.

Amends §§ 24.2-304.1, 30-265, and 53.1-10 of the Code of Virginia and adds §§ 24.2-

304.04, 24.2-314, and 53.1-5.2 to provide criteria by which congressional and state legislative districts are to be drawn. Such criteria include equal population requirements, with a deviation of no more than five percent permitted for state legislative districts; compliance with laws and judicial decisions relating to racial and ethnic fairness; preservation of communities of interest; and compactness and contiguity. The bill also includes provisions of the Voting Rights Act of 1965, as amended, related to redistricting, that prohibit the drawing of districts in ways that improperly dilute minority populations' voting power. Prohibits maps of districts, when considered on a statewide basis, from unduly favoring or disfavoring any political party. Provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. (*Patrons: Price and McClellan*)

HB 1285 / SB 737 Local electoral boards; office vacated if board member ceases to be qualified voter of county, etc.

Amends § 24.2-106 of the Code of Virginia to provide that if a member of a local electoral board ceases to be a qualified voter of the county or city for which he was appointed, his office is vacated, and such vacancy is to be filled as provided by law. Clarifies that a person must be a qualified voter of the county or city to be eligible to serve as an electoral board member of that locality. (*Patrons: Wilt and Obenshain*)

HB 1362 General registrars; certification requirement, removal from office.

Amends §§ 24.2-103, 24.2-109, and other sections of the Code of Virginia to provide for

a certification program to be conducted by the State Board of Elections for the general registrars. The bill requires each general registrar to complete the certification program and receive his certification within the 12 months following initial appointment or any subsequent reappointment; failure to do so shall result in removal from office. The State Board is authorized to grant a waiver requested by a local electoral board to extend the 12-month deadline. (*Patron: Aird*)

HB 1402 Polling place procedures; election officer shall verify with voter his full name and address, etc.

Amends § 24.2-643 of the Code of Virginia, to remove the requirement that the officer of election audibly repeat the residence address of a voter offering to vote. The bill provides that the officer of the election is required to verify with the voter his full name and address and to audibly repeat the voter's full name. (*Patron: Ward*)

HB 1421 Pollbooks; requirement for printed copies of pollbooks.

Amends §§ 24.2-610 and 24.2-611 of the Code of Virginia to require general registrars to produce and distribute printed copies of pollbooks to each precinct for any primary and general election. (*Patron: Carter*)

HB 1678 Election day; extending polling hours from 7:00 p.m. to 8:00 p.m.

Amends §§ 24.2-503, 24.2-507, and other sections of the Code of Virginia to extend from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill provides that these changes will not become effective unless reenacted by the 2021 Session of the General Assembly. (*Patron: Lindsey*)

SB 57 Campaign finance reports; electronic filing requirement, local and constitutional offices.

Amends §§ 24.2-946.1 and 24.2-947.5 of the Code of Virginia to require candidates for local

and constitutional offices to file campaign finance reports by computer or electronic means. Currently, only candidates for local and constitutional offices in localities with a population exceeding 70,000 are required to file campaign finance reports electronically. Delayed effective date of January 1, 2021. (*Patron: Suetterlein*)

SB 316 Elections; date of June primary election.

Amends §§ 24.2-311, 24.2-503, and other sections 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. The provisions of the bill do not become effective unless reenacted by the 2021 Session of the General Assembly. (*Patron: Kiggans*)

SB 617 Absentee voting; voter satellite offices for absentee voting in person.

Amends § 24.2-701.1 of the Code of Virginia and adds § 24.2-701.2 to authorize the establishment of voter satellite offices by governing bodies of counties and cities for purposes of absentee voting in person. No change in any voter satellite office, including the creation of a new voter satellite office or abolishment of an existing voter satellite office, may be enacted within the 60 days immediately preceding a general election. Requires general registrars to post notice of the locations of all voter satellite offices within the locality, and their days and hours of operation, not later than 55 days prior to any election. Requirements for polling places, including accessibility for persons with disabilities, changes of location due to emergency circumstances, and funding, apply to voter satellite offices. Provisions of the bill are applicable to elections beginning with the general election on November 3, 2020. (*Patron: Deeds*)

SB 666 Voter registration; notification of denial.

Amends §§ 24.2-114, 24.2-418, and 24.2-422 of the Code of Virginia to require notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within five days of the denial. This notice is required to be given in writing and by email or telephone if that information was provided by the applicant. The bill requires the registration application to request that the applicant provide his telephone number and email address. If the general registrar is able to reach the applicant by telephone, corrections may be made by the applicant by telephone. (*Patron: Boysko*)

SB 740 County and city precincts; required to be wholly contained within election districts.

Amends § 24.2-307 of the Code of Virginia to require each county and city precinct to be wholly contained within a single congressional district, Senate district, House of Delegates district, and local election district. In each year ending in one, the governing body of each county and city is required to establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year, and if new districts have not been adopted by the appropriate authority by that date, the governing body is permitted to use the districts as they existed on June 15 of that year as the basis for establishing the precincts to be used in the November elections held that year. The bill requires a governing body to apply to the State Board of Elections for a waiver to administer a split precinct if it is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, and the State Board is authorized to grant the waiver or to direct the establishment

of a precinct with less than the minimum number of registered voters as permitted by current law. A governing body that is granted a waiver to administer a split precinct or is directed to establish a precinct with fewer than the minimum number of voters is permitted to use that precinct for any election held that year. (*Patron: Obenshain*)

SB 857 Voter registration; public access not required for certain events.

Amends § 24.2-412 of the Code of Virginia to provide that a voter registration event conducted in a high school or at the location of a naturalization ceremony is not required to be open to the public. Currently, opportunities for voter registration are required to be provided at sites open to the public. (*Patron: Ebbin*)

SB 859 Absentee voting; emergency absentee voting by and late applications for persons hospitalized.

Amends §§ 24.2-705 and 24.2-705.1 of the Code of Virginia to amend the definition of hospital, for purposes of emergency absentee voting by or late absentee ballot applications for persons who have been hospitalized, so that it is not limited to hospitals in Virginia, the District of Columbia, or a state contiguous to Virginia. Removes the requirement that a person submitting a late absentee ballot application due to the hospitalization of himself or a member of his immediate family or to the death of a member of his immediate family be absent from his county or city on election day to be eligible for the late absentee ballot application. (*Patron: Ebbin*)

SJ 18 Constitutional amendment; Virginia Redistricting Commission (second reference).

Proposes a Constitutional amendment to establish the Virginia Redistricting Commission, a 16-member Commission consisting of eight legislative members and eight citizen members tasked with establishing districts for the United States House of Representatives and

for the Senate and the House of Delegates of the General Assembly. The Commission is required to submit to the General Assembly plans of districts for the Senate and the House of Delegates of 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, and any plan approved by the General Assembly becomes law without the signature of 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. (*Patron: Barker*). **HB 784/ SB 236** provide for a voter referendum on the amendment at the November 3, 2020, election. (*Patrons: VanValkenburg and Barker*)

Firearms

HB 2 / SB 70 Firearm transfers; criminal history record information checks, penalty.

Amends §§ 18.2-308.2, 18.2-308.2:2, 22.1-277.07, and 54.1-4201.2 of the Code of Virginia to require a background check for any firearm sale and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a check from licensed firearms dealers. (*Patron: Plum and Lucas*)

HB 9 Firearms; reporting those lost or stolen, civil penalty.

Amends the Code of Virginia by adding in Article 4 of Chapter 7 of Title 18.2 a section numbered 18.2-287.5, to require that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local

law-enforcement agency or the Department of State Police within 48 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. (*Patron: Bourne*)

HB 264 / SB 263 Concealed handgun permits; demonstration of competence, effective date.

Amends §§ 18.2-308.02 and 18.2-308.06 of the Code of Virginia to remove the option for concealed handgun permit applicants to demonstrate competence with a handgun by completing an electronic, video, or online course conducted by a state-certified or National Rifle Association-certified firearms instructor. The bill has a delayed effective date of January 1, 2021. (*Patrons: Lopez and Bell*)

HB 421 / SB 35 Firearms, ammunition, etc.; control by localities by governing possession, etc., within locality.

Amends §§ 15.2-915 and 15.2-915.5 and repeals § 15.2-915.1 of the Code of Virginia, to authorize any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold. (*Patrons: Price and Surovell*)

HB 600 / SB 593 Family day homes, licensed, etc.; storage of unloaded firearms in a locked container, cabinet, etc.

Amends § 15.2-914 and adds a section 63.2-1701.01 to the Code to require that during hours of operation, all firearms in a licensed family day home, registered family day home, or family day home approved by a family day system be stored unloaded in a locked container, compartment, or cabinet, and that all ammunition be stored in a separate locked container, compartment, or cabinet. (*Patrons: Hope and Hanger*)

HB 674 / SB 240 Firearms; removal from persons posing substantial risk of injury to himself, etc., penalties.

Amends §§ 18.2-308.09, 18.2-308.2:1, 18.2-308.2:2, and 18.2-308.2:3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.1:6, by adding in Title 19.2 a chapter numbered 9.2, consisting of sections numbered 19.2-152.13 through 19.2-152.17, and by adding a section numbered 19.2-387.3, to create a procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. (*Patrons: Sullivan and Barker*)

HB 812 / SB 69 Handguns; limitation on purchases, penalty.

Amends § 18.2-308.2:2 of the Code of Virginia, to prohibit any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local

correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. (*Patrons: Ward and Locke*)

HB 1004 / SB 479 Protective orders; possession of firearms, surrender or transfer of firearms, penalty.

Amends §§ 18.2-308.1:4 and 18.2-308.2:1 of the Code of Virginia, to prohibit any person subject to a permanent protective order from knowingly possessing a firearm while the order is in effect. (*Patrons: Mullin and Howell*)

HB 1080 Firearms or other weapons; unauthorized to possess on school property.

Amends § 18.2-308.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-280.2:4, to provide that no school board may authorize or designate any person to possess a firearm on school property other than those persons expressly authorized by statute. (*Patron: Hope*)

HB 1083 Minors; allowing access to firearms, Class 1 misdemeanor.

Amends § 18.2-56.2 of the Code of Virginia, to provide that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 14 is guilty of a Class 1 misdemeanor. (*Patron: Hayes*)

HB 1499 / SB 248 Virginia Gun Violence Intervention and Prevention Fund; created.

Amends the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.6, to establish the Virginia Gun Violence Intervention and Prevention Fund to be administered by the Department of Criminal Justice Services for the purpose of supporting gun violence intervention and prevention programs, including street outreach,

hospital-based violence intervention, and group violence intervention programs. (*Patrons: Bourne and Favola*)

SB 14 Trigger activators; prohibition, penalty.

Amends the Code of Virginia adding a section numbered 18.2-308.5:1 to prohibit the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of a trigger activator. Violation is punishable as a Class 6 felony. (*Patron: Saslaw*)

SB 64 Paramilitary activities; penalty.

Amends § 18.2-433.2 of the Code of Virginia, to provide that a person is guilty of unlawful paramilitary activity if such person brandishes a firearm or any air-operated or gas-operated weapon or any object similar in appearance while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons. Such unlawful paramilitary activity is punishable as a Class 5 felony. (*Patron: Lucas*)

SB 71 Firearms; possession on school property.

Amends § 18.2-308.1 of the Code of Virginia to add public, private, or religious preschools and licensed child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. (*Patron: Lucas*)

SB 436 Virginia Voluntary Do Not Sell Firearms List; established, penalty.

Amends §§ 18.2-308.09, 18.2-308.2:1, 18.2-308.2:2, and 18.2-308.2:3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.1:6 and by adding in Title 52 a chapter numbered 12, consisting of sections numbered 52-50, 52-51, and 52-52, to create the Virginia Voluntary Do Not Sell Firearms List (the List) that prohibits the possession, transportation, and sale of firearms to any person who voluntarily

registers himself to be enrolled into the List. The bill has a delayed effective date of July 1, 2021. (*Patron: Surovell*)

SB 543 Firearms shows; mandatory background check.

Amends § 54.1-4201.2 of the Code of Virginia, to require the Department of State Police to perform a criminal history record information check on the prospective purchaser or transferee prior to the completion of any firearms transaction at a firearms show held in the Commonwealth. (*Patron: Edwards*)

SB 684 Firearms; mental health as disqualifier for possession, etc.

Amends §§ 18.2-308.1:3 and 37.2-821 of the Code of Virginia, to respond to the holding in *Paugh v. Henrico Area Mental Health and Developmental Services*, Record No. 121562 (2013). As a consequence, a person who is involuntarily committed would be required to petition for restoration of his firearm rights notwithstanding the reversal of the commitment order by a circuit court. (*Patron: Mason*)

**Freedom of Information/
Transparency**

HB 313 / SB 259 Virginia Freedom of Information Act; library records.

Amends § 2.2-3705.7 of the Code of Virginia, to clarify that information contained in library records that can be used to identify any library patron who has borrowed or accessed material or resources from a library as well as the material or resources such patron borrowed or accessed is exempt from disclosure under the Virginia Freedom of Information Act. (*Patrons: Gooditis and Bell*)

HB 548 FOIA; exempts DBHDS records of active investigations.

Amends § 2.2-3705.3 of the Code of Virginia, to exempt from mandatory disclosure under the Virginia Freedom of Information Act records of

active investigations that are being conducted by the Department of Behavioral Health and Developmental Services. (*Patron: Delaney*)

HB 722 / SB 269 Virginia Freedom of Information Act; exclusions, proprietary records and trade secrets.

Amends § 2.2-3705.6 of the Code of Virginia, to exclude from mandatory disclosure financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. The bill also provides that such financial and proprietary records shall not be withheld after they have been made public by HUD or VHDA. (*Patrons: Reid and Bell*)

HB 834 Order of publication; electronic notice.

Amends § 8.01-317 of the Code of Virginia, to provide that a court may permit notice of an order of publication to be given by electronic means in addition to or in lieu of publication in a newspaper, under such terms and conditions as the court may direct. (*Patron: Sullivan*)

SB 138 Virginia Freedom of Information Act; FOIA officers, training and reporting requirements.

Amends § 2.2-3704.2 of the Code of Virginia to add regional public bodies to the types of public bodies that must designate a FOIA officer. The bill also changes the frequency for required FOIA officer training from annually to once during each consecutive period of two calendar years and provides that the name and contact information of a FOIA officer trained by legal counsel of a public body only needs to be submitted by July 1 of the initial year of training and updated if there are changes to

that information. Currently this information to be submitted by July 1 of each year. (*Patron: Stuart*)

SB 139 Freedom of Information Advisory Act; training requirements.

Amends § 2.2-3704.3, as it shall become effective, of the Code of Virginia, to add the option for in-person training sessions in addition to the current requirement of online training sessions for local elected officials provided by the Virginia Freedom of Information Advisory Council or a local government attorney. The bill also clarifies that “local elected officials” includes constitutional officers. (*Patron: Stuart*)

SB 153 Virginia Freedom of Information Act; cost estimates, response time.

Amends § 2.2-3704 of the Code of Virginia, to provide that if a requester asks for a cost estimate in advance of a Virginia Freedom of Information Act request, the time to respond is tolled for the amount of time that elapses between notice of the cost estimate and the response from the requester, and that if the public body receives no response from the requester within 30 days of sending the cost estimate, request shall be deemed to be withdrawn. Clarifies that if a cost estimate exceeds \$200 and the public body requires an advance deposit, public body may require the requester to pay the advance deposit before the public body is required to process the request. (*Patron: Stuart*)

Gaming

HB 881 / SB 971 Illegal gambling; definitions, skill games.

Amends § 18.2-325 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-334.5, to include the playing or offering for play of any skill game in the definition of “illegal gambling.” The bill provides for a one-year phase-out of currently existing skill games, during which each

distributor will pay a monthly tax of \$1,200 for each skill game provided for play during the previous month. Revenues would accrue two percent to the Problem Gambling Treatment and Support Fund, two percent to the ABC for administering the bill’s provisions, 12 percent to localities in which the skill games are located, and 84 percent to the COVID-19 Relief Fund. (*Patrons: Bulova and Howell*)

HB 896 / SB 384 Virginia Lottery; powers and duties of Board, sports betting, etc.

Amends §§ 2.2-3705.7, 2.2-3711, 18.2-334.3, 37.2-304, 58.1-4000, 58.1-4002, 58.1-4007, 58.1-4027, 59.1-364 and other sections of the code of Virginia to direct the Virginia Lottery the Lottery) to regulate sports betting. (*Patrons: Sickles and McPike*)

HB 1383 / SB 922 Virginia Lottery; Internet sales.

Amends § 58.1-4007 of the Code of Virginia and repeals § 58.1-4007.2 to repeal the prohibition on selling lottery tickets over the Internet. (*Patrons: Bulova and Norment*)

HB 1681 Virginia Charitable Gaming Board; electronic versions of instant bingo, pull tabs or seal cards.

Amends § 18.2-340.26:1 of the Code of Virginia, to increase the number of electronic pull tabs that may be placed in the social quarters of a qualified organization from nine, as currently provided by Virginia Charitable Gaming Board regulations, to 18. (*Patron: Willett*)

Labor and Employment

HB 46 Workers’ compensation; employer to notify employee of intent.

Amends the Code of Virginia by adding a section numbered 65.2-601.2, to require 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 or a third party, among other provisions. (*Patron: Carter*)

HB 56 Minimum wage; tipped employees, classification.

Amends § 40.1-28.9 of the Code of Virginia, to prohibit an employer from classifying an individual as a tipped employee if the individual is prohibited by applicable federal or state law or regulation from soliciting tips. (*Patron: Carter*)

HB 123 Nonpayment of wages; cause of action, penalties.

Amends § 40.1-29 of the Code of Virginia, to provide that an employee has a private cause of action against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due, among other provisions. (*Patron: Carroll Foy*)

HB 337 / SB 48 Nonpayment of wages; discriminatory actions prohibited.

Amends the Code of Virginia by adding in Article 2 of Chapter 3 of Title 40.1 a section numbered 40.1-33.1, to prohibit an employer from discharging or otherwise discriminating against an employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding related to the failure to pay wages, or has testified or is about to testify in any such proceeding, among other provisions. (*Patrons: Price and Spruill*)

HB 395 / SB 7 Minimum wage; increases to \$9.50 per hour effective January 1, 2021. (now May 1, 2021)

Amends § 40.1-28.10 of the Code of Virginia, to increase the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.50 per hour effective May 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$12.00 per hour effective January 1, 2023; to \$13.50 per hour effective January 1, 2025; and to \$15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter,

the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure also creates a training wage at 75 percent the minimum wage for employees in on-the-job training programs lasting less than 90 days and provides that the Virginia minimum wage does not apply to persons participating in the U.S. Department of State's au pair program; persons employed as temporary foreign workers; and persons employed by certain amusement or recreational establishments, organized camps, or religious or non-profit educational conference centers, among other provisions. (*Patrons: Ward and Saslaw*)

HB 438 / SB 561 Workers' compensation; post-traumatic stress disorder, law-enforcement officers and firefighters.

Amends the Code of Virginia by adding in Chapter 1 of Title 65.2 a section numbered 65.2-107, to provide that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing of a qualifying event, defined as an incident or exposure occurring in the line of duty on or after July 1, 2020, (i) resulting in serious bodily injury or death to any person or persons; (ii) involving a minor who has been injured, killed, abused, or exploited; (iii) involving an immediate threat to life of the claimant or another individual; (iv) involving mass casualties; or (v) responding to crime scenes for investigation, among other provisions. (*Patrons: Heretick and Vogel*)

HB 581 Diversity and cultural competency; DHRM to develop online training module.

Amends §§ 2.2-1201 and 51.1-1101 of the Code of Virginia and adds a section numbered 2.2-1211, to require the Department of Human Resource Management to develop an online diversity and cultural competency

training module. The bill requires all state employees commencing employment with the Commonwealth on or after January 1, 2021, to complete such training within 90 days of commencing or recommencing such employment and all persons employed with the Commonwealth on January 1, 2021, to complete training no later than April 1, 2021. *(Patron: Guzman)*

HB 582 / SB 939 Employees of local governments; collective bargaining.

Amends §§ 40.1-55, 40.1-57.2, and 40.1-57.3 of the Code of Virginia, to permit counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. The bill provides that for any governing body of a county, city, or town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body is required, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, to take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. The bill provides that the prohibition against striking for public employees applies, irrespective of any such local ordinance. This legislation is delayed until May 1, 2021 *(Patrons: Guzman and Saslaw)*

HB 617 Workers' compensation; repetitive motion injuries.

Directs the Virginia Workers' Compensation Commission to engage an independent and reputable national research organization to examine the implications of covering workers'

injuries caused by repetitive motion through the Virginia workers' compensation system. *(Patron: Guzman)*

HB 622 Limiting employees' sharing of wage information; prohibited, exception, civil penalty.

Amends the Code of Virginia by adding section number 40.1-28.7:7, to prohibit an employer from discharging or taking other retaliatory action against an employee because the employee inquired about or discussed with, or disclosed to, another employee any information about either the employee's own wages or other compensation or about any other employee's wages or other compensation. Violations are subject to a civil penalty of \$100. *(Patron: Hurst)*

HB 624 Human Rights; requirements for equal pay irrespective of sex.

Directs the Division of Human Rights of the Department of Law to develop recommendations regarding the type of information about businesses and their employees and the accompanying methodology that would be required for the Division to proactively enforce provisions of the Code of Virginia requiring equal pay of similarly situated employees irrespective of sex and race. The bill requires the Division to also develop recommendations regarding appropriate enforcement mechanisms, including causes of action and civil remedies, to address discrimination in compensation based on sex and race. In developing such recommendations, the bill directs the Division to engage stakeholders representing employers and employees in the Commonwealth. The bill requires the Division to report its findings and recommendations to the Governor and the General Assembly no later than November 30, 2020. *(Patron: Hurst)*

HB 696 Local human rights ordinances; sexual orientation and gender identity.

Amends § 15.2-965 of the Code of Virginia, to provide that localities may prohibit discrimination in housing, employment, public

accommodations, credit, and education on the basis of sexual orientation and gender identity. (*Patron: Roem*)

HB 757 Public employment; limitations on inquiries by state agencies and localities regarding arrests.

Amends the Code of Virginia by adding sections numbered 2.2-2812.1 and 15.2-1505 to prohibit state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime (with exceptions). The bill prohibits asking a prospective employee if he has ever been arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. The prohibition does not apply to applications for employment with law-enforcement agencies or positions related to law-enforcement agencies. The prohibition also does not apply to applications for state agency positions designated as sensitive or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law. For localities, the prohibition also does not apply to positions for employment by the local school board. (*Patron: Aird*)

HB 783 / SB 9 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 or certain employees develop the cancer. The presumption shall not apply for any individual who was diagnosed with one of the conditions before July 1, 2020. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty, reduces the number of years of

service needed to qualify for the presumption from 12 to five for various types of cancer, and For hypertension or heart disease adds a requirement that an individual complete five years of service in their position in order to qualify. (*Patrons: Askew and Saslaw*)

HB 798 Employment; prohibited retaliatory action.

Amends the Code of Virginia by adding a section numbered 40.1-27.3, to prohibit an employer from discharging, disciplining, threatening, discriminating against, penalizing, or taking other retaliatory action against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee (i) reports a violation of any federal or state law or regulation to a supervisor or to any governmental body or law-enforcement official; (ii) is requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry; (iii) refuses to engage in a criminal act that would subject the employee to criminal liability; (iv) refuses an employer's order to perform an action that violates any federal or state law or regulation and the employee informs the employer that the order is being refused for that reason; or (v) provides information to or testifies before any governmental body or law-enforcement official conducting an investigation, hearing, or inquiry into any alleged violation by the employer of federal or state law or regulation. A person who alleges a violation of this chapter may bring a civil action seeking injunctive relief, reinstatement, and compensation for lost wages, benefits, and other remuneration. (*Patron: Delaney*)

HB 827 / SB 712 Virginia Human Rights Act; unlawful discrimination on the basis of pregnancy, childbirth.

Amends §§ 2.2-3901 and 2.2-3903 of the Code of Virginia and adds a section numbered 2.2-3904, to require employers, defined in the bill, to make reasonable accommodation for the known limitations of a person

related to pregnancy, childbirth, or related medical conditions, if such accommodation is necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation and from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee. The bill creates a cause of action against any employer who denies any of the rights afforded by the bill and permits the court or jury to award compensatory damages, back pay, and other equitable relief. (*Patrons: Carroll Foy and McClellan*)

HB 984 / SB 894 Misclassification of workers; cause of action.

Amends Code of Virginia by a section numbered 40.1-28.7:7, to authorize an individual who has not been properly classified as an employee to bring a civil action for damages against his employer for failing to properly classify the employee if the employer had knowledge of the individual's misclassification. The court may award damages in the amount of any wages, salary, employment benefits, including expenses incurred by the employee that would otherwise have been covered by insurance, or other compensation lost to the individual, a reasonable attorney fee, and the costs incurred by the employee in bringing the action. The measure provides that an individual who performs services for a person for remuneration shall be presumed to be an employee unless it is shown that the individual is an independent contractor as determined under the Internal Revenue Service guidelines. (*Patrons: Delaney and Saslaw*)

HB 1049 Discrimination; sexual orientation and gender identity.

Amends §§ 2.2-2203.3, 2.2-3004, 2.2-3900 through 2.2-3903, 2.2-4200, 2.2-4310, 2.2-

4343.1, 15.2-853, 15.2-854, 15.2-965, 15.2-1131, 15.2-1507, 15.2-1604, 15.2-6314.1, 22.1-212.6:1, 22.1-306, 22.1-349.3, adds 2.2-2901.1, 15.2-1500.1, and 22.1-295.2, and a number of other sections of the Code of Virginia, to prohibit discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. Also adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. (*Patron: Levine*)

HB 1106 Health insurance program for local government employees; transit companies.

Amends § 2.2-1204 of the Code of Virginia, to add employees of a transit company to the definition of "employees of local governments" for the purposes of the Commonwealth's health insurance program for local government employees. The bill defines "transit company" as a public service corporation wholly owned by a locality, or combination of localities, that provides public transportation services. (*Patron: Hudson*)

HB 1199 / SB 662 Employee misclassification; retaliatory actions prohibited, civil penalty.

Amends the Code of Virginia by adding 40.1-33.1 to prohibit an employer from discharging, disciplining, threatening, discriminating against, or penalizing an employee or independent contractor because the employee or independent contractor reported or plans to report that an employer or any officer or agent has failed to properly classify an individual as an employee and failed to pay required benefits or other contributions. The measure also prohibits such actions against an employee or independent contractor who is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action. These prohibitions apply only if an employee or independent contractor acts in good faith and upon a reasonable belief that the information is accurate. The measure

authorizes the Commissioner of Labor and Industry to institute proceedings against an employer who has taken such prohibited retaliatory action. Available remedies include reinstatement of the employee and recovery of lost wages. An employer that violates these provisions is subject to a civil penalty equal to the employee's lost wages. (*Patrons: Tran and Boysko*)

HB 1385 / SB 349 Insurance benefits; certain retired employees of political subdivisions.

Amends § 15.2-1517 of the Code of Virginia, to allow localities to extend certain insurance benefits to retired employees of political subdivisions. (*Patrons: Leftwich and Lucas*)

HB 1407 Misclassification of employees as independent contractors; Department of Taxation to investigate.

Amends §§ 2.2-4321, 2.2-4343, 58.1-1821, and 58.1-1825 and other sections of the Code of Virginia to prohibit an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless it is demonstrated that such individual is an independent contractor. The Department of Taxation shall determine whether an individual is an independent contractor by applying Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021. (*Patron: Ward*)

HB 1514 / SB 50 Virginia Human Rights Act; racial discrimination, hair.

Amends § 2.2-3901 of the Code of Virginia, to provide that the terms "because of race" and "on the basis of race," and terms of similar import, when used in reference to

discrimination in the Code of Virginia and acts of the General Assembly, include traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists. (*Patrons: McQuinn and Spruill*)

HB 1558 Workers' compensation; Ombudsman program created.

Amends the Code of Virginia by adding in Chapter 2 of Title 65.2 a section numbered 65.2-205, to authorize the Virginia Workers' Compensation Commission to create an Ombudsman program and appoint an ombudsman to administer such program to provide neutral educational information and assistance to persons who are not represented by an attorney, including those persons who have claims pending or docketed before the Commission. (*Patron: Kilgore*)

SB 78 Minimum wage; pay based on work done.

Amends § 40.1-28.9 of the Code of Virginia to eliminate the exemption to Virginia's minimum wage requirements for persons who normally work and are paid based on the amount of work done. (*Patron: Howell*)

SB 321 Veterans; eligibility for status under state and local laws.

Amends the Code of Virginia by adding a section numbered 2.2-2001.5, to provide that any person who was separated from active military, naval, or air service with an other than honorable discharge due solely to such person's sexual orientation or gender identity or expression may petition the Department of Veterans Services to have such discharge recorded with the Department as honorable. The bill provides that persons whose discharge status is changed pursuant to such petition shall be afforded the same rights, privileges, and benefits authorized by state law and local ordinances as any other veteran who was honorably discharged. (*Patron: Lewis*)

Law Enforcement / Judiciary

HB 33 / SB 793 Parole; exception to limitation on the application of parole statutes.

Amends § 53.1-165.1 of the Code of Virginia, to provide that a person is eligible to be considered for parole if (i) such person was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000); (ii) the person remained incarcerated for the offense on July 1, 2020; and (iii) the offense was not one of the following: (a) a Class 1 felony; (b) if the victim was a minor, rape, forcible sodomy, object sexual penetration, or aggravated sexual battery or an attempt to commit such act; or (c) carnal knowledge. (*Patrons: Lindsey and McClellan*)

HB 35 / SB 103 Juvenile offenders; eligibility for parole.

Amends §§ 19.2-387, 19.2-389, as it is currently effective and as it shall become effective, 19.2-391, 53.1-136, and 53.1-165.1 of the Code of Virginia, to provide that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentence and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences shall be eligible for parole. (*Patrons: Lindsey and Marsden*)

HB 61 / SB 307 Adults sentenced for juvenile offenses; good conduct credit.

Amends § 16.1-284 of the Code of Virginia, to provide that an adult sentenced for a juvenile offense can earn good conduct credit at the rate of one day for each one day served, including all days served while confined in jail or secured detention prior to conviction and sentencing, in which the adult has not violated the written rules and regulations of the jail. This bill is

a recommendation of the Virginia Criminal Justice Conference. (*Patrons: Collins and Stanley*)

HB 172 Virginia State Police Electronic Summons System Fund; created.

Amends § 17.1-279.1 and adds a section numbered 17.1-275.1 to the Code of Virginia to create the Virginia State Police Electronic Summons System Fund, which is funded by a \$5 fee required by the bill to be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation. The Fund shall be used for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Under current law, localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes. (*Patron: Krizek*)

HB 246 Law-enforcement agencies, local; body-worn camera systems.

Amends § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 17 of Title 15.2 a section numbered 15.2-1723.1, to require localities to adopt and establish a written policy for the operation of a body-worn camera system and make such policy available for public comment and review prior to its adoption. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and the storage and maintenance of body-worn camera system records. (*Patron: Levine*)

HB 262 Immigration status; prohibiting inquiry into status of certain victims or witnesses of crimes.

Amends the Code of Virginia by adding a section numbered 19.2-11.02, to law-enforcement officers from inquiring into the immigration status of a person who (i) reports that he is a victim of a crime or a parent or guardian of a minor victim of a crime or (ii) is a witness in the investigation of a crime

or the parent or guardian of a minor witness to a crime, subject to some exceptions.
(Patron: Lopez)

HB 276 Hate crimes; reporting to State Police.

Amends § 52-8.5 of the Code of Virginia, to include within the definition of “hate crime” a criminal act committed against a person or the person’s property because of disability, sexual orientation, gender, or gender identification and requires the reporting of the commission of such crime to the State Police.
(Patron: Sullivan)

HB 277 / SB 736 Court fines and costs; community work in lieu of payment during imprisonment.

Amends § 19.2-354 of the Code of Virginia, to provide that a court may permit an inmate to earn credits against any fines and court costs imposed against him by performing community service. Under current law, credits may be earned only before or after imprisonment.
(Patrons: Price and Obenshain)

HB 278 Home/electronic incarceration program; payment to defray costs.

Amends § 53.1-131.2 of the Code of Virginia, to change from mandatory to optional the current requirement that the director or administrator of a home/electronic incarceration program charge an offender or accused a fee for participating in the program to be used for the cost of home/electronic incarceration equipment. (Patron: Hope)

HB 305 / SB 940 Circuit court clerk’s fee; lodging, etc., of wills.

Amends §§ 17.1-275 and 64.2-409 of the Code of Virginia, to increase from \$2 to \$5 the fee that the circuit court clerk is required to charge for lodging, indexing, and preserving a will.
(Patrons: Hope and Favola)

HB 306 / SB 938 Circuit court clerks; fees collected for recording and indexing.

Amends § 17.1-275 of the Code of Virginia, to increase by \$2 the fees for the recording and

indexing of certain documents. (Patrons: Hope and Favola)

HB 369 Furloughs from local work release programs; furlough approved by local sheriff.

Amends § 53.1-132 of the Code of Virginia, to provide that if any furlough permitted by the director of a work release program for an offender participating in a work release program under the supervision of the administrator of a regional jail would extend the limits of confinement of the offender to a locality not served by that regional jail, notice of such furlough shall be provided to the sheriff of such locality. (Patron: Bell)

HB 618 Hate crimes; gender, disability, gender identity, or sexual orientation, penalty.

Amends §§ 8.01-42.1, 8.01-49.1, 18.2-57, 18.2-121, and 52-8.5 of the Code of Virginia, to add gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another’s property results in a higher criminal penalty for the offense. The bill also adds gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police.
(Patron: Plum)

HB 659 People with developmental disabilities; DOC to create workgroup to review guidelines to assist.

Directs the Department of Corrections to create a workgroup to review current guidelines and develop recommendations that recognize and make accommodations for people with developmental disabilities. (Patron: Hope)

HB 787 Multi-jurisdiction grand jury; hate crimes.

Amends § 19.2-215.1 of the Code of Virginia, to add the following to the list of crimes that a multi-jurisdiction grand jury may investigate:

(i) simple assault or assault and battery where the victim was intentionally selected because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin; (ii) entering the property of another for purposes of damaging such property or its contents or interfering with the rights of the owner, user, or occupant where such property was intentionally selected because of the race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin of the owner, user, or occupant; and (iii) various offenses that tend to cause violence. (*Patron: Bagby*)

HB 1023 Custodial interrogations; audiovisual recording.

Amends the Code of Virginia by adding a section numbered 19.2-390.04, to provide that any law-enforcement officer shall, if practicable, make an audiovisual recording of the entirety of any custodial interrogation of a person conducted in a place of detention. As introduced, the bill was a recommendation of the Virginia Criminal Justice Conference. (*Patron: Adams, L.R.*)

HB 1071 Profane swearing in public; removes the crime from Code.

Amends § 18.2-388 of the Code of Virginia, to remove the crime of profane swearing in public, currently punishable as a Class 4 misdemeanor. (*Patron: Adam, D.M.*)

HB 1093 / HB 1467 Prisoners; obtaining certain identification documentation upon release.

Amends § 53.1-116.1:02 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 53.1 a section numbered 53.1-31.4, to require the Department of Corrections and the sheriff, jail superintendent, or other jail administrator of a local correctional facility to provide the assistance necessary for any prisoner who does not already possess a government-issued identification card to apply for and obtain such identification. (*Patrons: Hope and Aird*)

HB 1231 / SB 494 Criminal Justice Services, Department of; crisis intervention team training.

Amends § 9.1-188 of the Code of Virginia, to add the Department for Aging and Rehabilitative Services and brain injury stakeholders to the list of entities with whom the Department of Criminal Justice Services is required to consult in developing a training program crisis intervention team programs and requires the curriculum for such training program to include a module on brain injury as part of the four hours of mandatory training in legal issues. (*Patrons: Wilt and Edwards*)

HB 1250 Virginia Community Policing Act; data collection and reporting requirement.

Amends the Code of Virginia by adding in Chapter 1 of Title 9.1 an article numbered 14, consisting of a section numbered 9.1-191, by adding sections numbered 15.2-1609.10 and 15.2-1722.1, and by adding in Title 52 a chapter numbered 6.1, consisting of sections numbered 52-30.1 through 52-30.4 to prohibit law-enforcement officers and State Police officers from engaging in bias-based profiling. The bill directs the Department of State Police to create the Community Policing Reporting Database into which sheriffs, police forces, and State Police officers must report certain data pertaining to motor vehicle or investigatory stops. (*Patron: Torian*)

HB 1284 Correctional facilities; use of isolated confinement.

Directs the Board of Corrections, in consultation with a stakeholder work group, to conduct a review of the standards and requirements governing, and the application and use of, isolated confinement in local correctional facilities. (*Patron: Hope*)

HB 1462 Admission to bail; rebuttable presumptions against bail.

Amends § 19.2-120 of the Code of Virginia, to eliminate the provision prohibiting a judicial officer who is a magistrate, clerk, or deputy clerk of a district court or circuit court from admitting to bail, that is not set by a judge, any

person who is charged with an offense giving rise to a rebuttable presumption against bail without the concurrence of an attorney for the Commonwealth. The bill also eliminates the requirement that notice be provided to the attorney for the Commonwealth before such judicial officer may set or admit a person to bail. (*Patron: Scott*)

SB 31 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. Finally, the bill reorganizes for clarity the provisions governing what happens upon recordation of a certificate by the Commissioner of Highways in a condemnation proceeding. The provisions apply only to condemnation actions filed on or after July 1, 2020. (*Patron: Petersen*)

SB 149 Courthouse and courtroom security; assessment.

Amends § 53.1-120 of the Code of Virginia, to increase from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security. (*Patron: Howell*)

SB 215 Inmates; review of death in local correctional facilities, report.

Amends § 53.1-69.1 of the Code of Virginia, to provide that the Board of Corrections shall publish, on its website, an annual report summarizing the jail death reviews conducted by the Board within that year. The bill provides that such report shall include any trends or similarities among the deaths of inmates

in local correctional facilities and present recommendations on policy changes to reduce the number of deaths in local correctional facilities. (*Patron: Suetterlein*)

SB 378 Computer trespass; expands the crime.

Amends § 18.2-152.4 of the Code of Virginia, to expand the crime of computer trespass to provide that the prohibited actions that constitute computer trespass are criminalized if done through intentionally deceptive means and without authority and specifies that a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator does not have to provide notice of its activities to a computer user that a reasonable computer user should expect may occur. (*Patron: Bell*)

SB 401 Immunity of persons at public hearing; attorney fees and costs.

Amends § 8.01-223.2 of the Code of Virginia, to allow for the award of reasonable attorney fees and costs to any person who has a subpoena against him quashed in an action for statements made at a public hearing before the governing body of a locality or other local entity when he is immune from liability for such statements. Current law provides for the award of attorney fees and costs upon the dismissal of such an action. (*Patron: Hashmi*)

SB 499 Specialty dockets; veterans docket.

Amends § 18.2-254.2 of the Code of Virginia to provide that any veterans docket authorized and established as a local specialty docket in accordance with the Rules of Supreme Court of Virginia shall be deemed a "Veterans Treatment Court Program," as that term is used under federal law or by any other entity, for the purposes of applying for, qualifying for, or receiving any federal grants, other federal money, or money from any other entity designated to assist or fund such state programs. The bill contains an emergency clause. (*Patron: Reeves*)

SB 818 Behavioral health dockets; established.

Amends the Code of Virginia by adding a section numbered 18.2-254.3, to establish, by the Behavioral Health Docket Act (the Act), behavioral health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have mental illness and co-occurring substance abuse issues. (*Patron: Morrissey*)

SB 1003 Computer crimes; penalty.

Amends the Code of Virginia by adding a section numbered 18.2-152.7:2, to provide that it is a Class 1 misdemeanor for any person who, without the intent to receive any direct or indirect benefit, maliciously sends an electronically transmitted communication containing a false representation intended to cause another person to spend money, and such false representation causes such person to spend money. (*Patron: Chafin*)

Marijuana and Industrial Hemp

HB 962 Hemp; products intended for smoking.

Amends § 18.2-371.2 of the Code of Virginia, to prohibit the sale to persons under age 21 of hemp products intended for smoking. (*Patron: Marshall*)

HB 972 / SB 2 Marijuana; definitions, possession and consumption, civil penalties, report.

Amends §§ 15.2-1627 and many other sections of the Code of Virginia and adds section 19.2-389.3, to decriminalize simple marijuana possession and to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana. (*Patrons: Herring and Ebbin*)

SB 885 Performance of laboratory analysis; cannabidiol oil, THC-A oil, tetrahydrocannabinol.

Amends §§ 54.1-3422 and 54.1-3423 of the

Code of Virginia and adds section numbered 18.2-251.1:2, to provide that no person employed by an analytical laboratory to retrieve, deliver, or possess cannabidiol oil, THC-A oil, or industrial hemp samples from a permitted pharmaceutical processor, a licensed industrial hemp grower, or a licensed industrial hemp processor for the purpose of performing required testing shall be prosecuted for the possession or distribution of cannabidiol oil, THC-A oil, or industrial hemp, or for storing cannabidiol oil, THC-A oil, or industrial hemp for testing purposes in accordance with regulations promulgated by the Board of Pharmacy and the Board of Agriculture and Consumer Services. The bill contains an emergency clause. (*Patron: Marsden*)

SB 1015 Marijuana; possession of cannabidiol oil or THC-A oil.

Amends §§ 18.2-250.1 and 54.1-3442.8 of the Code of Virginia to provide that a person who possesses marijuana in the form of cannabidiol oil or THC-A oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice shall not be prosecuted for simple possession of marijuana. (*Patron: Marsden*)

Other

HB 587 Baby changing facilities; DGS to implement in public buildings.

Amends the Code of Virginia by adding a section numbered 2.2-1147.3, to direct the Department of General Services to include in its standards for capital outlay construction policies for the construction and installation of physically safe, sanitary, and appropriate baby changing facilities in restrooms. The bill defines "baby changing facility" as a table or other device suitable for changing the diaper of a child age three or younger. (*Patron: Guzman*)

HB 742 Unmanned aircraft; political subdivision may regulate take-off and landing of system, etc.

Amends § 15.2-926.3 of the Code of Virginia, to authorize a political subdivision, by

ordinance or regulation, to regulate the take-off or landing of certain unmanned aircraft on property owned by the political subdivision in accordance with the rules and regulations adopted by the Department of Aviation. The bill has a delayed effective date of January 1, 2021. (*Patron: Bulova*)

HB 938 Courthouse; relocation or expansion.

Amends § 15.2-1646 of the Code of Virginia, to provide that relocation or expansion of a courthouse to property within 1,000 feet of the parcel upon which the courthouse is located shall not trigger a referendum requirement. The existing statute exempts only relocation or expansion to contiguous land. (*Patron: Webert*)

HB 1213 Summonses; authority of local government employees to issue for violations of local ordinances.

Amends the Code of Virginia by adding in Article 1 of Chapter 15 of Title 15.2 a section numbered 15.2-1512.5, to permit localities to appoint and train local government employees to enforce local ordinances by issuing summonses for misdemeanor violations of ordinances. (*Patron: Heretick*)

HB 1537 / SB 183 War memorials for veterans; removal, relocation, etc.

Amends §§ 15.2-1812, 15.2-1812.1, and 18.2-137 of the Code of Virginia and to repeal Chapter 119 of the Acts of Assembly of 1890, to provide that a locality may remove, relocate, contextualize, or recover any monument or memorial for war veterans on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties. (*Patrons: McQuinn and Locke*)

SB 356 Unmanned aircraft; definition, etc.

Amends §§ 5.1-1, as it is currently effective and as it shall become effective, and 5.1-5 of the Code of Virginia, to require that an aircraft be registered in the Commonwealth if it is based

in the Commonwealth for more than 90 days during a calendar year. (*Patron: Cosgrove*)

SB 735 Peer-to-peer vehicle sharing platforms; definitions, establishes requirements.

Amends §§ 38.2-2204, 58.1-1734, 58.1-1735, 58.1-1736, 58.1-1738, 58.1-1741, 59.1-207.29, 59.1-207.31, and 59.1-207.32 of the Code of Virginia and to amend the Code of Virginia by adding in Title 46.2 a chapter numbered 14.1, consisting of sections numbered 46.2-1408 through 46.2-1418, to establish insurance, taxation, recordkeeping, disclosure, and safety recall requirements for peer-to-peer vehicle sharing platforms. (*Patron: Newman*)

Procurement

HB 358 Public works contracts; definitions, authorization project labor agreements.

Amends § 2.2-4321.2 of the Code of Virginia to authorize any public body, including any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. This bill becomes effective May 1, 2021. (*Patron: Lopez*)

HB 452 / SB 650 Virginia Public Procurement Act; small purchases.

Amends § 2.2-4303 of the Code of Virginia, to increase from \$100,000 to \$200,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. (*Patrons: Murphy and Boysko*)

HB 544 / SB 563 DGS; public posting of contract information on central electronic procurement.

Amends § 2.2-1110 of the Code of Virginia, to provide for the Department of General Services to post on its central electronic procurement system awarded contracts and any modifications to such contracts.

The bill also requires agencies that use the Department's central procurement website to post the same information and provides that any contract awarded pursuant to an Invitation to Bid or a Request for Proposals on or after July 1, 2021, including any subsequent modifications to the contract by a using agency, shall be posted on the Department's central electronic procurement system. The bill requires a modification made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining to be posted on the Department's central electronic procurement system, along with the original contract and any previous modifications. *(Patrons: Carr and Ruff)*

HB 833 / SB 8 Virginia Public Procurement Act; public works contracts, prevailing wage rate, penalty.

Amends § 40.1-6 of the Code of Virginia and adding a section numbered 2.2-4321.3, to require contractors and subcontractors under any public contract with a state agency, or with a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The provisions of the bill would not apply to any contract for public works of \$250,000 or less. The Commissioner of Labor and Industry is required 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. A contractor or subcontractor who willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a 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 the individuals. This bill has a delayed effective date of May 1, 2021. *(Patrons: Carroll Foy and Saslaw)*

HB 890 / SB 341 Construction management or design-build contracts; use by local public bodies.

Amends § 2.2-4382 of the Code of Virginia, to remove the provision limiting the use of construction management contracts by local public bodies to projects with a cost expected to exceed \$10 million and provides that construction management may be utilized on projects where the project cost is expected to be less than the project threshold established in the procedures adopted by the Secretary of Administration for using construction management contracts. *(Patrons: Sickles and Locke)*

HB 1078 Virginia Public Procurement Act; process for competitive negotiation.

Amends § 2.2-4302.2 of the Code of Virginia, to provide that, except with regard to contracts for architectural, professional engineering, transportation construction, or transportation-related construction services, a public body may include a proposer's employment of persons with disabilities to perform the specifications of the contract as a factor in evaluating a proposal. *(Patron: Hope)*

HB 1201 / SB 380 Virginia Public Procurement Act; determination of nonresponsibility, local option.

Amends §§ 2.2-4302.1 and 2.2-4359 of the Code of Virginia, to allow any locality to include in the Invitation to Bid criteria that may be used in determining whether a bidder who is not prequalified by the Virginia Department of Transportation is a responsible bidder. Such criteria may include a history or good faith assurances of (i) completion by the bidder and any potential subcontractors of specified safety training programs established the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors

in apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws. (*Patrons: Tran and McPike*)

HB 1300 / SB 607 Virginia Public Procurement Act; statute of limitations on actions on construction contracts.

Amends §§ 2.2-4340, 8.01-232, and 23.1-1017 and adds sections numbered 2.2-4340.1 and 2.2-4340.2 of the Code of Virginia to provide that an action against the surety on a performance bond shall be brought within five years after the completion of the contract. The bill further provides that the statute of limitations on State construction contracts and architectural and engineering contracts is 15 years after completion of the contract. The bill specifies that completion of the contract is the final payment to the contractor pursuant to the terms of the contract, but that if a final certificate of occupancy or written final acceptance of the project is issued prior to final payment, the period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project. (*Patrons: Hurst and Norment*)

SB 182 Public works contracts; definitions, authorization of project labor agreements.

Amends § 2.2-4321.2 of the Code of Virginia, to authorize any public body, including any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. Effective date is May1, 2021 (*Patron: Saslaw*)

SB 368 Virginia Public Procurement Act; architectural and professional engineering term contracts.

Amends § 2.2-4303.1 of the Code of Virginia,

to decrease the population threshold from 78,000 to 50,000 for a locality to qualify for the exceptions from (i) the \$150,000 single-project fee limit for architectural and professional engineering term contracts and (ii) the \$750,000 annual aggregate total limit for all such projects. (*Patron: Bell*)

SB 487 Virginia Public Procurement Act; architectural and professional engineering term contracts.

Amends § 2.2-4303.1 of the Code of Virginia, to increase the aggregate limit for architectural and engineering services contracts (i) for localities for projects performed in a one-year contract term from \$6 million to \$8 million and (ii) for environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways for projects performed in an initial two-year term contract from \$5 million to \$8 million. (*Patron: Bell*)

Public Safety

HB 420 Emergency services and disaster preparedness plans; DEM to review plans.

Directs the Department of Emergency Management to review its emergency services and disaster preparedness programs to determine if changes are necessary to address the needs of individuals with limited English proficiency and individuals with access or functional needs. (*Patron: Price*)

HB 727 / SB 720 PSAP dispatchers; definitions, telecommunicator cardiopulmonary resuscitation, EMD program.

Amends the Code of Virginia by adding a section numbered 56-484.16:1, to require each public safety answering point (PSAP) to provide training and equipment for each of its dispatchers in high-quality telecommunicator cardiopulmonary resuscitation (TCPR) instruction. The legislation also requires each operator of a PSAP to implement a requirement that each of its dispatchers complete an

Emergency Medical Dispatch education program by July 1, 2024, and to conduct ongoing quality assurance of its TCPR program. (*Patrons: Hope and McClellan*)

HB 1082 Emergency Services and Disaster Law; definition of disaster, incidents involving cyber systems.

Amends § 44-146.16 of the Code of Virginia, to define “cyber incident” for purposes of the Emergency Services and Disaster Law as an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure, or information resident thereon. (*Patron: Hayes*)

SB 350 Emergency Shelters Upgrade Assistance Grant Fund; established.

Amends the Code of Virginia by adding in Chapter 3.2 of Title 44 a section numbered 44-146.29:3, to establish the Emergency Shelters Upgrade Assistance Grant Fund to provide matching funds to localities to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, including solar energy generators, and improve the hazard-specific structural integrity of shelter facilities owned by the locality. (*Patron: Lucas*)

SB 1008 Emergency and disaster law; political subdivisions.

Amends § 44-146.19 of the Code of Virginia, to provide that except where a mutual aid arrangement for reciprocal assistance exists between localities, no locality shall prohibit another locality from providing emergency medical services across local boundaries solely on the basis of financial considerations. (*Patron: Peake*)

CONTINUED TO 2021

HB 87 Marijuana; legalization of simple possession, penalties.

Repeals §§ 18.2-248.1, 18.2-250.1, and 18.2-

251.1 and amends numerous other sections of the Code of Virginia to eliminate criminal penalties for possession of marijuana. (*Patron: Carter*)

HB 215 Voter registration; preregistration for persons age 16 or older.

Permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such a person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrars’ voter confirmation documents for such voters. (*Patron: Lopez*)

HB 416 Wage or salary history; inquiries prohibited, civil penalty.

Amends the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7, to prohibit a prospective employer with 25 employees or more from requiring as a condition of employment that a prospective employee provide or disclose the prospective employee’s wage or salary history, among other provisions. (*Patron: Cole, J.G.*)

HB 602 Virginia Freedom of Information Act; scholastic records, charges.

Amends § 2.2-3705.4 of the Code of Virginia, to provide that, upon request, scholastic records shall be furnished electronically once per academic quarter and physically once per academic year at no charge to the student who is the subject thereof or the student’s parent or legal guardian. (*Patron: Freitas*)

HB 712 Legal notices; online publications.

Amends § 8.01-324 of the Code of Virginia, to provide that where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement instead may be published in an online publication, subject to certain requirements. *(Patron: Hope)*

HB 869 Public defender or any deputies or employees; proportionally supplementing compensation.

A BILL to amend and reenact § 19.2-163.01:1 of the Code of Virginia, to require the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of their deputies or employees, above the salary of any such officer, deputy, or employee, to supplement the compensation of the public defender, or any of his deputies or employees, in the same amount as the supplement to the compensation of the attorney for the Commonwealth, or any of his deputies or employees. *(Patron: Bourne)*

HB 1392 FOIA Ombudsman; powers and duties, report.

Amends the Code of Virginia by adding a section numbered 2.2-501.1, to require the Attorney General to appoint a Virginia Freedom of Information Act Ombudsman to promote compliance by state agencies with the provisions of the Virginia Freedom of Information Act. 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)*

HB 1507 Marijuana; possession.

A BILL to amend and reenact §§ 18.2-250 and 18.2-251.1 of the Code of Virginia and to repeal § 18.2-250.1 of the Code of Virginia, to allow for possession of small amounts of marijuana for personal use. *(Patron: Carroll Foy)*

HB 1566 Industrial hemp; definition, maximum THC concentration.

A BILL to amend and reenact §§ 3.2-4112 and 54.1-3401 the Code of Virginia to increase in the definition of “industrial hemp” the maximum concentration of tetrahydrocannabinol (THC) in the plant *Cannabis sativa* from 0.3 percent to 1 percent. *(Patron: Keam)*

SB 319 Public property, etc.; security on premises where firearms are prohibited.

A BILL to amend the Code of Virginia by adding in Title 9.1 a chapter numbered 14, consisting of a section numbered 9.1-1400, to provide that any property owned by the Commonwealth or any political subdivision of the Commonwealth, or used by a public body, where firearms have been prohibited by law shall have law-enforcement officers or armed security officers on the premises to provide security services. *(Patron: Chase)*

SB 618 Specialty dockets; referrals.

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 15 of Title 19.2 a section numbered 19.2-266.4, to provide that any court may refer a defendant to a local specialty docket if such specialty docket exists within that jurisdiction. A court that has received a referral shall have jurisdiction over the defendant for any matter that does not dispose of a charge or defense for the duration of the referral and shall enter an order making a recommendation for disposing the matter, including any proposed findings of fact, at the end of the referral or any other time as necessary. *(Patron: Deeds)*

SB 780 Campgrounds; inherent risks, liability.

Amends the Code of Virginia by adding section 35.1-17.1, to provide that a person who goes camping at a campground shall be presumed to have known the inherent risks of camping, defined in the bill. The bill states that a campground, an owner or operator of

a campground, and any employee or officer of a campground shall be immune from civil liability for acts or omissions related to camping at a campground if a person is injured or killed, or the property of an individual or group is damaged, as a result of the inherent risks of camping. An owner or operator of a campground, and any employee or officer of a campground, may be held civilly liable under this section if the person or agents of the campground seeking immunity intentionally cause injury, death, or property damage; act with a willful or wanton disregard for the safety of others or the property of others; or fail to conspicuously post warning signs of a dangerous inconspicuous condition known on the property if the owner of the campground is aware of the condition by reason of a prior injury involving the same location or the same mechanism of injury. (*Patron: Lewis*)

SB 803 Attorneys for the Commonwealth; compensation and collection of fees.

Amends §§ 15.2-1626, 15.2-1627.2, 15.2-1627.3, and 15.2-1636.8 of the Code of Virginia, to prohibit the Compensation Board, when determining staffing and funding levels for offices of attorneys for the Commonwealth, from (i) considering the number of charges brought or the number of convictions obtained by such attorney for the Commonwealth; (ii) relying on standards devised or recommended by the attorney for the Commonwealth, law-enforcement agencies, or professional associations representing attorneys for the Commonwealth or law-enforcement officers; or (iii) using measures that increase if an attorney for the Commonwealth (a) elects to prosecute a more serious charge, (b) elects to prosecute additional charges from a single arrest or criminal incident, (c) obtains convictions rather than dismissing charges or offering reduced charges, or (d) proceeds with prosecution rather than diversion. (*Patron: Morrissey*)

SB 819 Drug Treatment Court Act; authorization and availability.

A BILL to amend and reenact § 18.2-254.1 of the Code of Virginia, to provide that any

jurisdiction or jurisdictions intending or proposing to establish a drug treatment court shall not be denied permission under the Code of Virginia to establish such court solely on the basis of funding such court. The bill also provides that a drug treatment court shall be available to every defendant irrespective of the jurisdiction. (*Patron: Morrissey*)

FAILED LEGISLATION

HB 45 Workers' compensation; retaliatory discharge of employee.

Amends § 65.2-308 of the Code of Virginia, to prohibit 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 64 Child's school activities; employers to allow parental leave for activities.

Amends the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7, to require employers to grant four hours of leave annually to employees who are parents or guardians of a school-aged child in order to attend parent-teacher conferences, volunteer at the child's school, or otherwise be involved in the child's school, among other provisions. (*Patron: Miyares*)

HB 67 Strikes by certain government employees; limits to law-enforcement officers.

Amends § 40.1-55 of the Code of Virginia, to limit to law-enforcement officers the scope of the existing provision that deems any public employee who strikes to have terminated his employment and bars him from further public employment. (*Patron: Carter*)

HB 153 Right to work; repeals provisions of Code that refers to denial or abridgement.

Repeals Article 3 of Chapter 4 of Title 40.1 of the Code of Virginia, to repeal the provisions

of the Code of Virginia that, among other things, prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership in the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise. *(Patron: Carter)*

HB 216 Nomination of candidates for elected offices; primary election or partisan nomination process.

Requires each candidate who has been nominated by a political party or in a primary election to be identified by the name of his political party. The bill removes the restrictions on candidates for elected school boards and soil and water conservation districts from being nominated by a partisan nomination method or at a primary election. Provides that a political party committee may not select a nomination method that will have the practical effect of excluding participation in the nominating process by qualified voters who are unable to attend meetings because they are (i) a member of a uniformed service, as defined in § 24.2-452, on active duty; (ii) temporarily residing outside of the United States; (iii) a student attending a school or institution of higher education; or (iv) a person with a disability. *(Patron: Helmer)*

HB 321 FOIA; electronic meetings, serious medical condition of immediate family member.

Amends § 2.2-3708.2 of the Code of Virginia, to allow a public body to conduct a meeting through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that he is unable to attend due to a serious medical condition of an immediate family member that prevents the member's physical attendance. Limits such participation in an electronic meeting due to

a personal matter to either two meetings per calendar year or 10 percent of the meetings held that calendar year, rounded up to the nearest whole number, whichever is greater. *(Patron: Levine)*

HB 325 Minimum wage; local alternative minimum wage.

Amends § 40.1-28.10 of the Code of Virginia, to establish a procedure by which a local alternative minimum wage may be imposed in any locality, among other provisions. *(Patron: Levine)*

HB 333 Virginia Minimum Wage Act; exclusions.

Amends § 40.1-28.9 of the Code of Virginia, to eliminate the exclusion in the Virginia Minimum Wage Act for persons whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability. *(Patron: Krizek)*

HB 359 Virginia Public Procurement Act; consideration of best value concepts for construction services.

Amends § 2.2-4300 of the Code of Virginia, to permit public bodies to consider best value concepts when procuring construction services. Under current law, public bodies may consider best value concepts only when procuring goods and nonprofessional services. *(Patron: Lopez)*

HB 381 Redistricting; Virginia Redistricting Commission, local redistricting commissions.

Establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. Commission would be tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly. The bill requires the establishment of local redistricting commissions in each county, city, and town in which members of the governing body are elected from districts or wards and other than entirely at large. These commissions will each consist of four

commissioners appointed by the governing body, with equal representation given to the political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. (*Patron: Cole, M.L.*)

HB 571 Rental housing; purchase or construction by localities.

Amends the Code of Virginia by adding a section numbered 15.2-958.01, relating to purchase or construction of rental housing by localities. Provides that any locality may by ordinance establish a program to purchase or construct housing and to rent such housing to residents. Rent charged for such housing shall not exceed the higher of 85 percent of the market rate for a similar housing unit, or 115 percent of the actual cost of operation, defined in the bill, of the housing unit offered for rent. (*Patron: Carter*)

HB 662 Local grievance procedure; incorporates certain provisions.

Amends § 15.2-1507 of the Code of Virginia, to incorporate into the local grievance procedure certain provisions in the state grievance procedure related to appeal of final decisions to the circuit court. (*Patron: Mullin*)

HB 649 Workers' compensation; occupational disease presumption, police dispatchers.

Amends § 65.2-402 of the Code of Virginia, to establish a presumption that hypertension or heart disease causing the death or disability of full-time salaried police dispatchers is an occupational disease compensable under the Virginia Workers' Compensation Act. (*Patron: Campbell, R.R.*)

HB 759 Strategic lawsuits against public participation; special motion to dismiss, stay of discovery.

Adds a section numbered 8.01-223.3 and repeals § 8.01-223.2 of the Code of Virginia to establish a procedure by which a party alleging that a claim filed against him is a strategic

lawsuit against public participation (SLAPP) may file a special motion to dismiss. The bill provides that the filing of such a special motion to dismiss shall stay discovery proceedings related to the claim, pending the entry of an order adjudicating the special motion to dismiss. The bill provides instances in which a court shall award or may award reasonable expenses related to a special motion to dismiss. (*Patron: VanValkenburg*)

HB 761 Elections; preclearance of certain covered practices required, definitions.

Requires the governing body of a covered jurisdiction, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, to either (i) institute an action in the circuit court for the jurisdiction for a declaratory judgment that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language minority group nor will it result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise or (ii) submit such covered practice to the Office of the Attorney General for issuance of a certification that no objection exists to the enactment or administration by the covered jurisdiction of the covered practice. A covered practice cannot be given effect until the circuit court has entered such judgement or the Attorney General has issued such certification. The bill provides to a covered jurisdiction the right to appeal an objection by the Attorney General and to an aggrieved citizen the right to appeal the Attorney General's issuance of a certification of no objection. A "covered jurisdiction" is defined to mean any county, city, or town that is determined by the Attorney General to have a voting age population that contains two or more racial or ethnic groups, each constituting at least 20 percent of its voting age population. The bill also defines "covered practice." (*Patron: VanValkenburg*)

HB 769 Local government; codification of ordinances, affirmative defense.

Amends §§ 15.2-1429 and 15.2-1433 of the Code of Virginia, to provide that any person who is the subject of an action brought by a locality for violation of an ordinance that is not codified is entitled to assert as an affirmative defense that the ordinance was not codified and therefore failed to provide adequate notice to the public of the contents of the ordinance. The bill also allows localities to codify all ordinances in an online format so as to be easily accessed by other governmental entities and the public. (*Patron: LaRock*)

HB 795 / SB 235 Health insurance; association health plans.

Amends § 38.2-3521.1 of the Code of Virginia, to provide that for policies of group accident and sickness insurance issued to an association, members of such an association may include (i) a self-employed individual and (ii) an employer member with at least one employee that is domiciled in the Commonwealth. **Vetoed by Governor Northam.** (*Patrons: Hurst and Barker*)

HB 842 Removal of public officers; petition requirements, signature requirements.

Clarifies that the requirement that a petition for the removal of a public officer be signed under penalty of perjury applies only to the person or persons filing such petition with the circuit court. Registered voters signing the petition for purposes of reaching the required number of signatures shall not be required to sign under penalty of perjury. The bill also increases the required number of signatures to a number of registered voters in the locality equal to 25 percent, up from 10 percent, of the total number of votes cast at the last election for the office, and requires the signatures to be collected within a 60-day period. (*Patron: Krizek*)

HB 851 Public campaign financing; counties and cities may establish for certain offices.

Authorizes the governing body of a county or city to establish by ordinance a system of public

campaign financing for elected local offices. The bill specifies certain requirements for a system of public campaign financing established by a governing body, including the provision of a public election fund to be administered by the treasurer of the county or city. A system of public campaign financing established by a county or city is permitted to more stringently regulate the campaign finance activity of participating candidates and shall be subject to regulation and oversight by the State Board of Elections to ensure its conformity with state law and policy to the extent practicable. (*Patron: Simon*)

HB 987 Abstract of votes; when required to contain accounting of absentee ballots by precinct.

Provides that if any precinct in a locality has more than 25 absentee ballots cast by voters assigned to it, the abstract of votes is required to contain an accounting, by precinct, of the number of absentee ballots cast by voters assigned to each precinct in the locality. (*Patron: Batten*)

HB 1104 Inclusionary housing; localities may create, etc., programs.

Amends the Code of Virginia by adding a section numbered 15.2-959.1, to provide that localities may create, implement, and enforce inclusionary housing programs applicable to new housing development and to conversions of previously non-residential uses into residential uses. A locality establishing an inclusionary housing ordinance shall define the term “affordable” according to the needs of the residents of that locality and shall ensure that the program is consistent with the locality’s comprehensive plan and any other local or regional housing plans applicable to the locality. The program shall further one or more of several specified goals and may offer a variety of incentives, such as density bonuses and financial incentives. In developing and adopting such housing programs, the locality shall create an advisory committee and actively seek input from citizens, developers of residential and mixed-use property, real

estate professionals, historic preservation professionals, redevelopment and housing professionals, anti-poverty advocates, planners, urban design professionals, and finance professionals. (*Patron: Hudson*)

HB 1203 Prevailing wage; public works contracts with localities, penalty.

Amends the Code of Virginia by adding a section numbered 2.2-4321.3, to require contractors and subcontractors under any public contract with a locality for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract at the prevailing wage rate, among other provisions. (*Patron: Tran*)

HB 1302 / SB 1085 Deputy sheriffs; minimum salary.

A BILL to amend the Code of Virginia by adding a section numbered 15.2-1609.2:1, to provides that the minimum salary for all deputy sheriffs, both law enforcement and non-law enforcement, shall be set at the compensation board minimum plus a 20 percent supplement. For localities at high or above average fiscal stress, the bill directed the Commonwealth to pay the entire sum of the difference between the current salary paid and the new required minimum. For those localities *not* at high or above average fiscal stress, however, the cost fell directly to them. (*Patrons: Hurst and Pillion*) (*SB 1085: Failed; HB 1302: Continued to 2021*)

HB 1377 Architectural and engineering contracts; certain localities.

Amends § 2.2-4303.1 of the Code of Virginia, to exempt any locality with a population in excess of 400,000 from the limitations on architectural and professional engineering contract single-project fees for work regarding highways and bridges. Currently the Commissioner of Highways exempt from such limitations. (*Patron: LaRock*)

HB 1398 Virginia Public Procurement Act; historic landmarks, preference for goods and services.

Amends the Code of Virginia by adding a section numbered 2.2-4328.1, to provide that, in determining the award of any contract for maintenance, renovation, repair, or reconstruction of any property designated as a historical landmark by the Board of Historic Resources or any contract for goods or services incidental to such maintenance, renovation, repair, or reconstruction, a public body shall give preference to goods produced or services provided by persons located in the United States or territories, so long as the bid price on such goods or of such person is not more than 20 percent greater than the bid price on goods produced or of a low responsive and responsible bidder located outside of the United States or its territories. (*Patron: Rush*)

HJ 3 Constitutional amendment; reapportionment, technical adjustments permitted

Gives 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, M.L.*)

SB 100 Locality health insurance policies; option of including independent-contractor emergency services.

Amends § 15.2-1517 of the Code of Virginia, to authorize a locality to provide health insurance coverage to independent contractors that it employs as emergency medical services personnel. (*Patron: Marsden*)

SB 131 Form of ballot; party identification of certain candidates, constitutional offices.

Provides 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 189 Jails, local; compensation for cost of incarceration of convicted felons.

A BILL to amend and reenact § 53.1-20.1 of the Code of Virginia, to provide 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. The provisions of the bill are contingent on funding in a general appropriation act. (*Patron: Peake*)

SB 426 Agreements between private employer and labor or organization; fair share fees.

Amends § 40.1-62 of the Code of Virginia, to authorize an employer, pursuant to an agreement between the employer and a labor union or labor organization, to require as a condition of employment any employee who is not a member of such labor union or labor organization and is a member of a collective bargaining unit, where the labor union or labor organization is the exclusive representative of the members of the collective bargaining unit, to pay a fair share fee to compensate the labor union or labor organization for the costs of representing the nonmember employee, among other provisions. (*Patron: Saslaw*)

SB 475 Virginia Public Procurement Act; use of best value contracting.

Amends §§ 2.2-4303, 2.2-4304, 2.2-4305, 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 using a numerical scoring system consisting of the following: (i) technical solution, 30 percent; (ii) past performance, 30 percent, including (a) price history of cost overruns, (b) schedule history of on-time delivery, and (c) contractor performance ratings from the immediately preceding five-year period; and (iii) price, 40 percent. The Request for Proposal shall contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis. The Request for Proposal shall describe (1) the criteria that will be considered in evaluating the proposals and (2) the numerical scoring system that will be used in evaluating the proposals, including identification of the factors and weight values set forth in the bill. (*Patron: Bell*)

SB 481 Employees; earned sick leave, civil penalties.

Amends the Code of Virginia by adding a section numbered 40.1-27.3, to require public and private employers with 15 or more employees to provide those employees with earned paid sick time; however, the provisions of the bill would not apply to an employer that has entered into a bona fide collective bargaining agreement, among other provisions. (*Patron: Favola*)

SB 535 Congressional and legislative district boundaries; alignment with boundaries.

Provides 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 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, (iii) reported by those localities to the United States Bureau of the Census, and (iv) the population of the district as a result of the boundary adjustment is within the allowable deviation for that type of district. 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, to refer 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. The bill provides a process by which a voter who believes he has been incorrectly assigned to an election district or precinct may request and have his assignment reviewed by the general registrar and, if necessary, the governing body of the county or city. (*Patron: Peake*)

SB 547 Super precincts; pilot program.

Authorizes 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 May general or 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 (i) 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. The bill requires the State Board to report on the implementation and effectiveness of the pilot program by August 15 of any year in which one or more localities participate in the pilot program. The bill has an expiration date of December 31, 2024. (*Patron: Edwards*)

SB 645 Local arbitration agreements; disclosure of certain information.

Amends the Code of Virginia by adding sections numbered 2.2-4377.1 through 2.2-4377.5, to require a locality, for any procurement contract for goods and services except for construction, construction-related services, transportation construction, or transportation-related construction--and any purchasing decision to ensure that solicitations require the bidder or offeror to disclose certain information regarding pre-dispute arbitration clauses and consider each bidder or offeror’s policies and practices related to arbitration. The bill requires each locality to seek to contract with qualified entities and business owners that can demonstrate or will certify that they do not use pre-dispute arbitration clauses in contracts with employees or consumers, and to evaluate bidders and offerors based on disclosures required under the bill, in the event no bidder or offeror can demonstrate or will certify that they do not use pre-dispute arbitration clauses in contracts with employees or consumers. The bill authorizes a locality to cancel, terminate, or suspend, in whole or in part, the contract of any contractor who violates a provision of the bill and declare the contractor ineligible for further contracts with such locality. (*Patron: Surovell*)

SB 770 Paid family and medical leave program; Virginia Employment Commission to establish.

Amends the Code of Virginia by adding in sections 60.2-800 through 60.2-819, to require the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2023, among other provisions. (*Patrons: Boysko and Hashmi*)

SB 797 Uniform Statewide Building Code; exceptions, provisions, and modifications.

Amends §§ 36-98 and 36-99 of the Code of Virginia, to clarify that local flood plain regulations not superseded by the Uniform Statewide Building Code (USBC) include participation in the Community Rating System and adds that measures adopted by

local ordinance to make buildings resilient to foreseeable harm from recurrent flooding, coastal storms, sea level rise, and other similar threats to the health, safety, and general welfare of the locality and its residents are also not superseded by the USBC. The bill also adds resilience and hazard risk reduction to the recognized standards that should be consistent with the USBC's provisions and modifications. (*Patron: Lewis*)

SB 861 Group health benefit plans; bona fide associations, benefits consortium.

Amends the Code of Virginia by adding in Title 59.1 a chapter numbered 52, consisting of sections numbered 59.1-571 through 59.1-574, to provide that certain trusts constitute a benefits consortium and are authorized to sell health benefits plans to members of a sponsoring association that (i) has been formed and maintained in good faith for purposes other than obtaining or providing health benefits; (ii) does not condition membership in the sponsoring association on any factor relating to the health status of an individual, including an employee of a member of the sponsoring association or a dependent of such an employee; (iii) makes any health benefit plan available to all members regardless of any factor relating to the health status of such members or individuals eligible for coverage through a member; (iv) does not make any health benefit plan available to any person who is not a member of the association; (v) makes available health plans or health benefit plans that meet requirements provided for in the bill; (vi) operates as a nonprofit entity under § 501(c)(5) or 501(c)(6) of the Internal Revenue Code; and (vii) has been in active existence for at least five years. **Vetoed by Governor Northam.** (*Patron: Mason*)

SB 892 Ranked choice voting; elections for local governing bodies, local option pilot program.

Amends the Code of Virginia by adding a section numbered 24.2-673.1, to provide that elections for local governing bodies may be conducted by ranked choice voting, which

the bill defines 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, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill allows any local governing body to decide to conduct such election by ranked choice voting and requires any such decision to be made in consultation with the local electoral board and general registrar and by a majority vote of the governing body. The bill authorizes the State Board of Elections to promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting. 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 localities exercising the option to proceed with ranked choice voting. (*Patron: Ebbin*)

SB 967 Eminent domain; notice of intent to file certificate.

Amends § 25.1-306 of the Code of Virginia, to provide that the notice required to be sent to a landowner prior to an authorized condemnor recording a certificate of take or certificate of deposit shall state that (i) the certificate of take or certificate of deposit will be recorded between 30 and 45 days from the date of the notice and (ii) that the property will transfer to the condemnor upon recordation and that the owner has the right to petition the court for distribution of the funds represented in the certificate. (*Patron: Cosgrove*)

Health and Human Resources

PASSED LEGISLATION

Child Care

HB 600 / SB 593 Family day homes, licensed, etc.; storage of unloaded firearms in a locked container, cabinet, etc.

Amends § 15.2-914 of the Code of Virginia and adds § 63.2-1701.01 to require that during hours of operation, all firearms in a licensed family day home, registered family day home, or family day home approved by a family day system be stored unloaded in a locked container and that all ammunition be stored in a separate locked container, with the key or combination inaccessible to all children in the home. (*Patrons: Hope and Hanger*)

HB 799 / SB 393 Child day programs; lead testing, potable water, effective date.

Adds § 63.2-1705.1 to the Code of Virginia to require licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority. The bill requires such plan and the results of each such test to be submitted to and reviewed by the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of

Health's Office of Drinking Water for review. The bill also provides such programs the option of using bottled water in lieu of testing or remediation. (*Patrons: Askew and McPike*)

HB 997 / SB 675 Child care providers; fingerprint-based criminal background checks, repeals sunset.

Repeals the sunset and contingency expiration of the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure due to its operation by a religious institution, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. (*Patrons: Convirs-Fowler and Mason*)

HB 1235 / SB 927 Religious-exempt child day centers; staff-to-children ratios.

Amends § 63.2-1716 of the Code of Virginia to provide that, with respect to a child day center that is exempt from licensure due to its operation under the auspices of a religious institution, the applicable staff-to-children ratio for children receiving care in a group shall be based on the age of the youngest child in such group. (*Patrons: Wilt and Hanger*)

SB 668 Child care providers; out-of-state background checks.

Amends §§ 63.2-1720.1 and 63.2-1721.1 of

the Code of Virginia to require certain child care providers and employees or volunteers thereof to submit to background checks that include a criminal history record information check and sex offender registry check in any state in which the applicant has resided in the preceding five years. (*Patron: Boysko*)

Emergency Medical Services

SB 301 Medically underserved areas; transporting patients to 24-hour urgent care facilities.

Requires the Board of Health to develop regulations for when emergency medical services agencies in medically underserved areas as defined by the Board may transport patients to 24-hour urgent care facilities or appropriate medical care facilities other than hospitals. The regulations shall include provisions for what constitutes a medically underserved area, cases appropriate for transferring a patient to a medical facility other than a hospital, and other information deemed relevant by the Board. (*Patron: Stanley*)

SB 1088 Nongovernmental emergency medical services agencies; dissolution of agency.

Amends § 32.1-111.4:7 of the Code of Virginia to provide that upon dissolution of an emergency medical services agency, any property that was in the possession of such emergency medical services agency and that was purchased using public funds shall be offered to a city or county that was served by the emergency medical services agency to be used for the public good. (*Patron: Stuart*)

Health

HB 165 / SB 122 Teledentistry; definition, establishes requirements for the practice of teledentistry, etc.

Amends §§ 54.1-2700, 54.1-2711, and 54.1-2719 of the Code of Virginia and adds § 54.1-2708.5 to establish requirements for the practice of teledentistry. (*Patrons: Hope and Barker*)

HB 471 / SB 540 Health professionals; unprofessional conduct, reporting.

Amends §§ 54.1-2400.6 and 54.1-2909 of the Code of Virginia to require the chief executive officer and the chief of staff of every hospital or other health care institution in the Commonwealth, the director of every licensed home health or hospice organization, the director of every accredited home health organization exempt from licensure, the administrator of every licensed assisted living facility, and the administrator of every provider licensed by the Department of Behavioral Health and Developmental Services in the Commonwealth to report to the Department of Health Professions any information of which he may become aware in his professional capacity that indicates a reasonable belief that a health care provider is in need of treatment or has been admitted as a patient for treatment of substance abuse or psychiatric illness that may render the health professional a danger to himself, the public or his patients. (*Patrons: Collins and Vogel*)

HB 661 Exposure-prone incidents; Secretaries of HHR & PSHS to establish a work group.

Directs the Secretaries of Health and Human Resources and Public Safety and Homeland Security to establish a work group to develop a plan to improve the Commonwealth's response to exposure-prone incidents involving employees of law-enforcement agencies, volunteers and employees of fire departments and companies, and volunteers and employees of emergency medical services agencies and other appropriate entities. (*Patron: Bell*)

HB 664 Exposure to a decedent's body fluids; testing.

Amends §§ 32.1-45.1, 32.1-45.2, 32.1-48.015, and 32.1-116.3 of the Code of Virginia to provide that, in cases in which any law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider is directly exposed to body fluids of a deceased person in a manner that may, according to the then-

current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the next of kin of the deceased person shall be deemed to have consented to testing of the decedent's blood for infection with human immunodeficiency virus or hepatitis B or C viruses and release of such test results to the person who was exposed. (*Patron: Bell*)

HB 688 Certified community health workers; establishes requirements for use of the title.

Adds § 32.1-15.1 to the Code of Virginia to establish requirements for use of the title "certified community health worker." (*Patron: Aird*)

HB 907 Sickle cell anemia; treatment.

Amends § 32.1-68 of the Code of Virginia to specify that children be included in the voluntary program established by the Commissioner of Health, in cooperation with local health directors, for the screening of individuals for the disease of sickle cell anemia or the sickle cell trait and for other genetically related diseases and genetic traits and inborn errors of metabolism. The bill directs the Board of Health to adopt regulations to implement an adult and pediatric comprehensive sickle cell clinic network. (*Patron: Hayes*)

HB 1090 Immunizations; regulations by State Board of Health.

Amends § 32.1-46 of the Code of Virginia to amend the minimum vaccination requirements for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home, or developmental center. The bill also requires the State Board of Health to amend the State Board of Health Regulations for the Immunization of School Children as necessary from time to time to maintain conformity with evidence-based, routinely recommended vaccinations for children and to provide for a 60-day public comment period prior to the adoption of the regulations. (*Patron: Hope*)

HB 1147 Epinephrine; every public place may make available for administration.

Amends §§ 8.01-225 and 54.1-3408 of the Code of Virginia and adds § 54.1-3408.5 to allow public places to make epinephrine available for administration. The bill allows employees of such public places who are authorized by a prescriber and trained in the administration of epinephrine to possess and administer epinephrine to a person present in such public place believed in good faith to be having an anaphylactic reaction and provides liability protections for such employees. The bill directs the Department of Health, in conjunction with the Department of Health Professions, to develop policies and guidelines for the recognition and treatment of anaphylaxis in public places. Such policies and guidelines shall be provided to the Commissioner of Health no later than July 1, 2021. (*Patron: Keam*)

HB 1332 Telehealth services; definitions, report.

Adds § 32.1-122.03:1 to the Code of Virginia to direct the Board of Health to develop and implement, by January 1, 2021, and thereafter maintain as a component of the State Health Plan a Statewide Telehealth Plan (the Plan) to promote an integrated approach to the introduction and use of telehealth services and telemedicine services. The bill requires the Plan to include, among other provisions, provisions for (i) the use of remote patient monitoring services and store-and-forward technologies, including in cases involving patients with chronic illness; (ii) the promotion of the inclusion of telehealth services in hospitals, schools, and state agencies; and (iii) a strategy for the collection of data regarding the use of telehealth services. (*Patron: Kilgore*)

HB 1549 / SB 279 Certificate of public need; criteria for determining need.

Amends § 32.1-102.3 of the Code of Virginia to make clear that in determining whether a public need for a proposed project has been demonstrated the State Health Commissioner shall consider the impact of the proposed project on all people to whom services may be

provided and not only residents of the service area. (*Patrons: Hayes and Barker*)

HB 1701 / SB 757 Medical Excellence Zone Program; VDH to determine feasibility of establishment.

Directs the Department of Health to determine the feasibility of establishing a Medical Excellence Zone Program to allow citizens of the Commonwealth living in rural underserved areas to receive medical treatment via telemedicine services from providers licensed or registered in a state that is contiguous with the Commonwealth and directs the Department of Health Professions to pursue reciprocal agreements with such states for licensure for certain primary care practitioners licensed by the Board of Medicine. The bill requires the Department of Health to set out the criteria that would be required for a locality or group of localities in the Commonwealth to be eligible for the designation as a medical excellence zone and report its findings to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020. (*Patrons: Tran and Favola*)

SB 530 Epinephrine; possession and administration by a restaurant employee.

Amends §§ 8.01-225 and 54.1-3408 of the Code of Virginia to authorize any employee of a licensed restaurant to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such employee is authorized by a prescriber and trained in the administration of epinephrine. The bill also requires the Department of Health, in conjunction with the Department of Health Professions, to develop policies and guidelines for the recognition and treatment of anaphylaxis in restaurants. (*Patron: Edwards*)

SB 764 Certificate of public need; revises the Medical Care Facilities Certificate of Public Need Program.

Amends various sections of the Code of Virginia to revise the Medical Care Facilities Certificate

of Public Need Program. Among other changes, the bill (i) removes from the list of reviewable medical care facilities specialized centers or clinics or that portion of a physician's office developed for the provision of lithotripsy, magnetic source imaging, or nuclear medicine imaging; (ii) removes from the definition of project introduction into an existing medical care facility of any new lithotripsy, magnetic source imaging, or obstetrical service that the facility has never provided or has not provided in the previous 12 months and the addition by an existing medical care facility of any medical equipment for the provision of lithotripsy and magnetic source imaging; (iii) creates a new process for registration of projects exempted from the definition of project by the bill.

(*Patron: Barker*)

Health Care in Jails

HB 1328 / SB 656 Offender medical and mental health information and records; exchange of information to facility.

Amends § 53.1-133.03 of the Code of Virginia to provide that a health care provider who has been notified that a person to whom he has provided services within the last two years is committed to a local or regional correctional facility shall, upon request by the local or regional correctional facility, disclose to the local or regional correctional facility where the person is committed any information necessary to ensure the continuity of care of the person committed. The bill also provides protection from civil liability for such health care provider, absent bad faith or malicious intent. (*Patrons: Watts and Boysko*)

Human Trafficking

HB 1006 / SB 706 Human trafficking; assessments by local departments.

Amends § 63.2-1506.1 of the Code of Virginia to change the name of "sex trafficking assessments" to "human trafficking assessments," and allow local departments of social services conducting such human trafficking assessments to interview the alleged

child victim or his siblings without the consent and outside the presence of such child's or siblings' parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel. (*Patrons: Herring and Obenshain*)

Mental Health

HB 597 Group homes and children's residential facilities; licensure, certain information required.

Amends §§ 63.2-1701 and 63.2-1702 of the Code of Virginia and adds § 37.2-405.2 to require every applicant for licensure or renewal of a license to establish, conduct, maintain, or operate or continue to operate a group home at which services for individuals with mental health or substance use disorder are offered to submit certain financial and other information to the Department of Behavioral Health and Developmental Services. The bill also provides that in the case of an application for licensure as a children's residential facility, such application shall contain information regarding any complaints, enforcement actions, or sanctions against a license to operate a children's residential facility held by the applicant in another state and that the investigation into such application conducted by the Department of Social Services shall include consideration of any complaints, enforcement actions, or sanctions against a license to operate a children's residential facility held by the applicant in another state. (*Patron: Murphy*)

HB 728 / SB 734 Residential psychiatric placement and services; SOE, et al., to establish work group.

Directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents. (*Patrons: Hope and Deeds*)

HB 1118 / SB 603 Involuntary admission order; transportation, transfer to local law enforcement.

Amends §§ 16.1-340.2, 16.1-345, 37.2-810, and 37.2-829 of the Code of Virginia to establish procedures for changing the transportation provider designated to provide transportation to a minor or a person who is the subject of a temporary detention order and provides that in cases in which an alternative transportation provider providing transportation of a minor or a person who is subject to an involuntary admission order becomes unable to continue providing transportation, local law enforcement shall take custody of the minor or person and provide transportation to the proper facility. (*Patrons: Bell and Hanger*)

HB 1452 / SB 738 Temporary detention; observation, testing, or treatment.

Amends §§ 37.2-808 and 37.2-1104 of the Code of Virginia to clarify that a person can be subject to a temporary detention order for observation and treatment related to intoxication, upon a finding that (i) probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment due to intoxication and (ii) the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the individual resulting from such intoxication. The bill limits the duration of such temporary detention to 24 hours. The bill provides that a person subject to emergency custody due to a mental illness shall remain in custody until (a) a temporary detention order is issued in accordance with § 37.2-809; (b) an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law-enforcement custody; (c) the person is released; or (d) the emergency custody order expires. The bill directs the Department of Behavioral Health and Developmental Services to convene a

work group to develop standard policies and procedures regarding medical temporary detention orders. (*Patrons: Hope and Deeds*)

HB 1453 / SB 739 Acute psychiatric bed registry; DBHDS shall establish work group to evaluate, etc.

Directs the Department of Behavioral Health and Developmental Services to establish a work group to evaluate the role of, and make recommendations related to improving the structure and effectiveness of, the psychiatric bed registry in collecting and disseminating information about the availability of acute psychiatric beds in the Commonwealth. (*Patrons: Hope and Deeds*)

HB 1482 Involuntary admission or certification of eligibility order; clarifies provisions governing appeals.

Amends § 37.2-821 of the Code of Virginia to clarify provisions governing appeals of orders for involuntary admission or for certification as eligible for admission to a training center and provides that in cases in which a person is released during the pendency of an appeal, the appeal shall be in accordance with provisions for testing the legality of detention. (*Patron: Gooditis*)

HB 1540 Behavioral health providers; barrier crimes, exceptions.

Amends §§ 37.2-314, 37.2-416, and 37.2-506 of the Code of Virginia to add additional crimes to the list of barrier crimes for which an exception is available in the case of employment with an adult substance abuse or mental health program at community services boards and private providers of behavioral health services licensed by the Department of Behavioral Health and Developmental Services. (*Patron: Collins*)

HB 1699 / SB 768 Temporary detention; DBHDS shall study who may evaluate.

Directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish a work group to (i) review the

current process for conducting evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention, including any challenges or barriers to timely completion of such evaluations and factors giving rise to delays in completion of such evaluations, and (ii) develop a comprehensive plan to expand the individuals who may conduct effective evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention. (*Patrons: Aird and Barker*)

SB 1046 Clinical social workers; patient records, involuntary detention orders.

Amends §§ 8.01-413, 8.01-581.20, 16.1-340.1, and other sections of the Code of Virginia to add clinical social workers to the list of eligible providers that includes treating physicians and clinical psychologists who can disclose or recommend the withholding of patient records, face a malpractice review panel, and provide recommendations on involuntary temporary detention orders. (*Patron: Deeds*)

Older Adults and Individuals with Disabilities

HB 310 / SB 256 Alzheimer's Disease and Related Disorders Commission; extends sunset provision.

Amends § 51.5-154 of the Code of Virginia to extend the sunset provision of the Alzheimer's Disease and Related Disorders Commission from July 1, 2020, to July 1, 2023. (*Patrons: Simonds and Ruff*)

HB 902 / SB 902 Long-term care services and supports; preadmission screenings.

Amends §§ 32.1-330, 32.1-330.01, and 32.1-330.3 of the Code of Virginia to provide that every individual who applies for or requests community or institutional long-term services and supports, as defined in the state plan for medical assistance services, may choose to receive services in a community or institutional setting and may choose the setting and

provider of long-term care services and supports from a list of approved providers. The bill also clarifies requirements related to the performance of such long-term care services and supports screenings. The bill directs the Department of Medical Assistance Services to consider alternative assessment tools for long-term services and supports screenings completed on or after July 1, 2021. (*Patrons: Sickles and Barker*)

HB 925 DMAS; steps to facilitate transition between two programs.

Directs the Department of Medical Assistance Services (DMAS) to establish a process for (i) conducting a comprehensive needs assessment of a person who chooses to participate in the Medicaid Works program to determine the services such person may need to live and fully participate in his community and (ii) developing a plan of support for such person to guide the person in selection of the best waiver program for his needs. The bill also requires DMAS to develop processes to (a) enable a person who transitions from a Home and Community-Based Services waiver service to the Medicaid Works waiver program to retain his or her Home and Community-Based Services waiver slot for up to 180 days following the date of such transition and (b) give priority to individuals previously receiving services through the Home and Community-Based Services waiver program who transitioned to the Medicaid Works program and who subsequently seek to resume services. (*Patron: Coyner*)

HB 1025 Law-enforcement officers w/ disability, former; vocational rehabilitation and employment services.

Requires the Department for Aging and Rehabilitative Services to make available to law-enforcement agencies in the Commonwealth information regarding vocational rehabilitation programs and employment services available to assist former law-enforcement officers who have a disability as a result of their service, and provides that every law-enforcement agency

in the Commonwealth shall provide to every law-enforcement officer who separates from the agency due to a disability resulting from his service information regarding available vocational rehabilitation programs and employment services. (*Patron: Adams, L.R.*)

SB 177 Autism Advisory Council; extends sunset provision.

Amends § 30-329 of the Code of Virginia to extend the sunset provision of the Autism Advisory Council from July 1, 2020, to July 1, 2022. (*Patron: Hanger*)

SB 213 Personal Maintenance Allowance; DMAS to establish work group to evaluate current amount.

Directs the Department of Medical Assistance Services to establish a work group to evaluate the current Personal Maintenance Allowance amount for individuals receiving Medicaid-funded waiver services and the impact of the current Personal Maintenance Allowance amount and other income limits on the ability of Medicaid waiver service recipients to engage in meaningful work and establish and maintain independence. (*Patron: Favola*)

SB 391 Adult abuse; financial exploitation, required report by financial institution.

Amends § 63.2-1606 of the Code of Virginia to require financial institutions to report to the local department of social services or the adult protective services hotline within five business days any refusal to execute a transaction, delay of a transaction, or refusal to disburse funds based on a good faith belief that such transaction or disbursement may involve financial exploitation of an adult. (*Patron: McPike*)

SB 482 Developmental Disabilities Mortality Review Committee; created, report.

Amends §§ 2.2-3705.5, 2.2-3711, and 2.2-4002 of the Code of Virginia and adds § 37.2-314.1 to create the Developmental Disabilities Mortality Review Committee to review the death of any person with a developmental disability who was receiving services from a provider licensed

by the Department of Behavioral Health and Developmental Services or in a training center or other state facility at the time of his death. *(Patron: Favola)*

SB 572 Alzheimer’s disease and related dementias; early detection and diagnosis, risk reduction and care.

Adds § 32.1-73.13 to the Code of Virginia to provide that the Department of Health, in consultation with the Department for Aging and Rehabilitative Services, shall have the lead responsibility for taking actions to address and reduce the risks and impairments associated with Alzheimer’s disease and related dementias within the Commonwealth. *(Patron: Mason)*

SB 695 Telemarketing; financial exploitation, agency communication.

Adds § 59.1-518.01 to the Code of Virginia to direct the Attorney General to establish ongoing communication with the Department for Aging and Rehabilitative Services to ensure that adults 60 years of age or older or 18 years of age or older and incapacitated have access to information regarding the prevention of potential patterns of financial exploitation. *(Patron: Obenshain)*

Social Services

HB 94 Adoption; proper notice of proceeding to legal custodian.

Amends § 63.2-1202 of the Code of Virginia to provide that a legal custodian of a child being placed for adoption, and any other named parties in pending cases in which the custody or visitation of such child is at issue, shall be entitled to proper notice of any adoption proceeding and an opportunity to be heard. *(Patron: Collins)*

HB 287 Central registry; retention of records.

Amends § 63.2-1514 of the Code of Virginia to extend from one year to three years the period of time for which the Department of Social Services must retain records of unfounded investigations of child abuse or neglect before

purging. *(Patron: Hope)*

HB 400 / SB 156 Fostering Futures program; established.

Amends §§ 9.1-151, 16.1-228, 16.1-241, and 63.2-100 of the Code of Virginia and adds several sections to codify the Fostering Futures program, which provides services and support to individuals between the ages of 18 and 21 who were in foster care as minors and are transitioning to full adulthood and self-sufficiency. *(Patrons: Keam and Favola)*

HB 515 Urban county executive form of government; board of social services.

Amends § 15.2-835 of the Code of Virginia to require a county operating under the urban county executive form of government (Fairfax County) to designate an additional seat on the board of social services for a qualified citizen of each city to which the county is contractually obligated to provide social services. *(Patron: Bulova)*

HB 566 / SB 124 Food stamps and TANF; eligibility, drug-related felonies.

Amends § 63.2-505.2 of the Code of Virginia and adds § 63.2-607.1 to provide that a person who is otherwise eligible to receive food stamp or TANF benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. *(Patrons: Guzman and Locke)*

HB 690 Temporary Assistance to Needy Families (TANF); family cap.

Amends §§ 63.2-609 and 63.2-1908 of the Code of Virginia and repeals § 63.2-604 to eliminate the prohibition on increasing the amount of Temporary Assistance for Needy Families (TANF) that a family receives upon the birth of a child during the period of TANF eligibility or during the period in which the family or adult recipient is ineligible for TANF benefits pursuant to a penalty imposed by the Commissioner of Social Services for failure to comply with benefit eligibility or child support requirements. *(Patron: Aird)*

HB 778 / SB 412 Family assessments; increases timeline for completion.

Amends § 63.2-1506 of the Code of Virginia to increase from 45 days to 60 days the allowable time for completing a family assessment by a local department of social services and removes the local department's opportunity to request a 15-day extension. (*Patrons: Jones and Marsden*)

HB 861 / SB 105 Best interests of the child; history of child abuse and acts of violence, etc.

Amends § 20-124.3 of the Code of Virginia to provide that any history of child abuse and acts of violence, force, or threat that occurred no earlier than 10 years prior to the filing of a petition for custody or visitation of a child shall be considered by a court in determining the best interests of a child. (*Patrons: Levine and Favola*)

HB 904 Child abuse and neglect reporting; public sports programs.

Amends § 63.2-1509 of the Code of Virginia to add to the list of mandatory reporters of suspected child abuse and neglect athletic coaches, directors, and other persons 18 years of age or older who are employed by or volunteering with a public sports organization or team. Current law applies only to such individuals involved with private sports organizations or teams. (*Patron: Hayes*)

HB 933 / SB 178 Kinship Guardianship Assistance program; expands eligibility, fictive kin.

Amends §§ 16.1-282.1, 63.2-100, 63.2-900.1, 63.2-906, and 63.2-1305 of the Code of Virginia, to expand eligibility for the Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they had been the foster parent. (*Patrons: Carroll Foy and Favola*)

HB 1137 TANF & Va. Initiative for Education & Work; hardship exception.

Amends § 63.2-613 of the Code of Virginia

to require the Department of Social Services to (i) keep records of the number of Virginia Initiative for Education and Work participants who receive an exception to the time limitations on Temporary Assistance for Needy Families benefits due to hardship and the specific circumstances relied upon to grant such exceptions and (ii) annually publish nonidentifying statistics regarding such information. (*Patron: Lopez*)

HB 1209 / SB 991 New Americans, Office of; created within Department of Social Services.

Adds §§ 2.2-2496 through 2.2-2499 and § 63.2-209.1 to the Code of Virginia to establish the Office of New Americans within the Department of Social Services and the Office of New Americans Advisory Board to assist with immigrant integration within the Commonwealth on an economic, social, and cultural level. (*Patrons: Tran and Hashmi*)

HB 1371 TANF; diversionary cash assistance.

Amends § 63.2-617 of the Code of Virginia to impose a minimum threshold of \$1,500 on Temporary Assistance for Needy Families (TANF) diversionary cash assistance. The bill provides that any person who receives TANF diversionary cash assistance waives his eligibility for TANF for the number of days for which assistance is granted multiplied by 1.33. The bill also requires the Board of Social Services to adopt regulations to enable TANF-eligible applicants meeting certain criteria to receive a TANF emergency assistance payment of up to \$1,500 to prevent eviction or to address needs resulting from a fire or natural disaster. (*Patron: Bourne*)

HB 1410 Food stamps; Restaurant Meals Program.

Amends § 63.2-801 of the Code of Virginia to direct the Department of Social Services to participate in the Restaurant Meals Program (RMP) of the Supplemental Nutrition Assistance Program (SNAP). The bill requires

the Department to develop and implement a plan to begin such participation no later than January 1, 2021. (*Patron: Roem*)

SB 472 Foster care; termination of parental rights, independent living needs assessments.

Amends §§ 16.1-282.1 and 63.2-906 of the Code of Virginia to require local boards of social services and child-placing agencies, if a child has been in the custody of a local board or child-placing agency for 15 of the most recent 22 months and no petition for termination of parental rights has been filed with the court, to include in the petition for a permanency planning hearing the reasons why a petition to terminate parental rights has not been filed and the reasonable efforts made regarding reunification or transfer of custody to a relative. The bill requires that local boards and child-placing agencies provide information to birth parents regarding the parent's option to voluntarily terminate parental rights, and that the Commissioner of Social Services develop clear guidance documents regarding the manner in which such information should be relayed. The bill requires the Board of Social Services to promulgate regulations related to termination of parental rights, independent living needs assessments and plans, and reporting requirements for local boards and child-placing agencies. The bill requires the Commissioner to (i) provide training to local boards and child-placing agencies regarding common errors made related to termination of parental rights and (ii) establish a work group to assess the feasibility and costs of establishing supervisory spans of control for foster care supervisors. The work group shall report its findings by November 30, 2020. (*Patron: Reeves*)

SB 678 Central registry; electronic requests and responses.

Amends §§ 22.1-296.4 and 63.2-1515 of the Code of Virginia to allow requests for and responses to searches of the central registry of founded complaints of child abuse and

neglect maintained by the Department of Social Services to be sent electronically. (*Patron: Mason*)

SB 1025 Kinship foster care; training and approval processes.

Amends § 63.2-900.1 of the Code of Virginia to require local boards of social services to request a waiver of training requirements necessary for the approval of a kinship foster parent upon determining that training requirements are a barrier to placement with the kinship foster parent and that such placement is in the child's best interest. The bill prohibits local boards from requiring that a child be removed from the physical custody of a kinship foster parent during such approval process, provided that placement with the kinship foster parent remains in the child's best interest. The bill requires the Department of Social Services to (i) develop a training program that is tailored to persons seeking approval as a kinship foster parent, (ii) develop a document that provides comprehensive information regarding kinship foster care, and (iii) provide training to local boards regarding the process through which a person may be approved as a kinship foster parent without requiring removal of the child from the physical custody of such person. (*Patron: Dunnivant*)

Substance Abuse

HB 378 / SB 864 Comprehensive harm reduction programs; public health emergency, repeal sunset provision.

Repeals the sunset on the program established in 2017 that allows the Commissioner of Health, during a declared public health emergency, to establish and operate local or regional comprehensive harm reduction programs that include distribution of sterile hypodermic needles and syringes and the disposal of used hypodermic needles and syringes. (*Patrons: Rasoul and Pillion*)

HB 648 / SB 575 Prescription Monitoring Program; information disclosed to Emergency Department Information.

Amends §§ 54.1-2523 and 54.1-2525 of the Code of Virginia to provide for the mutual exchange of information between the Prescription Monitoring Program and the Emergency Department Care Coordination Program. (*Patrons: Hurst and Dunnavant*)

HB 791 Comprehensive harm reduction programs; authority to establish and operate.

Amends §§ 32.1-45.4 and 54.1-3466 of the Code of Virginia and repeals the sunset on the authority of the Commissioner of Health to establish and operate local or regional comprehensive harm reduction programs; allows a local health department or other organization that promotes scientifically proven methods of mitigating health risks associated with drug use and other high-risk behaviors to establish comprehensive harm reduction programs, if authorized by the Commissioner of Health; and eliminates the requirement that comprehensive harm reduction programs be located in communities for which data indicates an increase in or increased risk of transmission of HIV, viral hepatitis, or other blood-borne disease as a result of injection drug use. (*Patron: Plum*)

HB 908 / SB 836 Naloxone; possession and administration, employee or person acting on behalf of a public place.

Amends §§ 8.01-225 and 54.1-3408 of the Code of Virginia to authorize an employee or other person acting on behalf of a public place, who has completed a training program on the administration of naloxone or other opioid antagonist, to possess and administer naloxone or other opioid antagonist, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill also provides that a person who is not otherwise authorized to administer naloxone or other

opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. The bill provides immunity from civil liability for a person who, in good faith, administers naloxone or other opioid antagonist to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, unless such act or omission was the result of gross negligence or willful and wanton misconduct. (*Patrons: Hayes and Suetterlein*)

HB 1261 Athletic trainers; naloxone or other opioid antagonist.

Amends § 54.1-3408 of the Code of Virginia to authorize licensed athletic trainers to possess and administer naloxone or other opioid antagonist for overdose reversal pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice. (*Patron: Hodges*)

HB 1531 Drug disposal; Bd. of Pharmacy to develop public awareness of proper methods.

Directs the Board of Pharmacy to enhance public awareness of proper drug disposal methods by assembling a group of stakeholders to develop strategies to increase the number of permissible drug disposal sites and options for the legal disposal of drugs, including requirements that pharmacies, or in-house pharmacies of hospitals or clinics, provide such information to customers. (*Patron: Jenkins*)

SB 566 Naloxone or other opioid antagonist; possession and administration.

Amends §§ 8.01-225 and 54.1-3408 of the Code of Virginia, to provide that a person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid

overdose, provided that the administration is in good faith and absent gross negligence or willful and wanton misconduct. (*Patron: Edwards*)

SB 667 Overdoses; arrest and prosecution when experiencing or reporting.

Amends § 18.2-251.03 of the Code of Virginia to provide that no individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol; possession of a controlled substance; possession of marijuana; intoxication in public; or possession of controlled paraphernalia if (i) such individual (a) seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, or (b) is experiencing an overdose and another individual seeks or obtains emergency medical attention for him; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of an individual seeking or obtaining emergency medical attention. The bill also provides that no law-enforcement officer acting in a good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution. (*Patron: Boysko*)

SB 903 Hospitals; screening emergency department patients, etc.

Amends § 32.1-127 of the Code of Virginia to require the Board of Health to amend regulations governing hospitals to require each hospital with an emergency department to establish a protocol for treatment of individuals experiencing a substance use-related emergency to include the completion of appropriate assessments or screenings to identify medical interventions necessary for the

treatment of the individual in the emergency department. The protocol may also include a process for patients that are discharged directly from the emergency department for the recommendation of follow-up care following discharge for any identified substance use disorder, depression, or mental health disorder, as appropriate, which may include instructions for distribution of naloxone, referrals to peer recovery specialists and community-based providers of behavioral health services, or referrals for pharmacotherapy for treatment of drug or alcohol dependence or mental health diagnoses. (*Patron: Vogel*)

SB 913 Home hospice programs; disposal of drugs, opioids.

Amends §§ 32.1-162.5:1 and 54.1-3411.2 of the Code of Virginia to specify that hospice policies and procedures for the disposal of drugs must include provisions for the safe disposal of opioids. (*Patron: Vogel*)

CONTINUED TO 2021

HB 49 / SB 128 Students with disabilities, certain; feasibility of educational placement transition.

Requires the Department of Education to implement a pilot program to study the feasibility of the educational placement transition of certain students with disabilities. (*Patrons: McNamara and Suetterlein*)

HB 702 Mandatory outpatient treatment; petition for review, efforts of the community services board.

Clarifies that a community services board must make efforts to assist a person with complying with the provisions of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment and that only in cases in which a person fails to comply with a mandatory outpatient treatment or order authorizing discharge to mandatory outpatient treatment following inpatient treatment despite efforts of the community services board to

assist the person may the community services board petition for review of the mandatory outpatient order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment. (*Patron: Hope*)

HB 762 / SB 135 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 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 special education program but for the availability of the public school special education program. (*Patrons: Cole, J.G., and Stuart*)

HB 1026 Mandatory outpatient treatment; criteria.

Eliminates the requirement that a person have a history of lack of compliance with treatment for mental illness that has, at least twice within the previous 36 months, resulted in the person being subject to an order for involuntary admission to be eligible for mandatory outpatient treatment following a period of involuntary inpatient treatment. (*Patron: Adams, L.R.*)

HB 1351 Temporary detention; expands category of individuals who may evaluate a person.

Expands the category of individuals who may evaluate a person who is the subject of an emergency custody order to determine whether the person meets the criteria for temporary detention to include any person described in the definition of “mental health professional” in § 54.1-2400.1 who (i) is skilled in the diagnosis and treatment of mental

illness, (ii) has completed a certification program approved by the Department of Behavioral Health and Developmental Services, and (iii) complies with regulations of the Board of Behavioral Health and Developmental Services related to performance of such evaluations. (*Patron: Watts*)

HB 1658 Adult protective services; creates central registry.

Creates a central registry of founded complaints of adult abuse, neglect, and exploitation to be maintained by the Department of Social Services. The bill establishes (i) investigation requirements for local departments of social services related to complaints of adult abuse, neglect, and exploitation; (ii) record retention and disclosure requirements for the Department and local departments; (iii) notice requirements related to findings by local departments and central registry entries; and (iv) an appeals process to contest the findings of a local department related to founded reports of adult abuse, neglect, or exploitation. (*Patron: Head*)

SB 190 Children’s Services Act; 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 residential or nonresidential services in a public school setting and to provide services to children placed in public residential facilities or public special education day schools in addition to such private facilities and private special education day schools as provided in current law. (*Patron: Peake*)

SB 993 State Health Commissioner; local health directors, qualifications.

Allows the State Health Commissioner and local health directors to either be physicians, as required under existing law, or possess a Doctor of Public Health degree, a Master of Public Health degree, or a doctoral degree in the area of public health as an alternative to the current requirement. (*Patron: Locke*)

SB 1049 Involuntary commitment; notice and participation, discharge plans.

Clarifies the role of individuals identified and requested by a person in the involuntary commitment process to assist him in the process. The bill sets out such authorized individuals' right to receive medical records, notice of hearings, and copies of orders and to participate in hearings and the discharge planning process. (*Patron: Deeds*)

SB 1050 Hospitals; custody of person subject to emergency custody order, regulations.

Extends the maximum period of time during which a person may be involuntarily held pursuant to an emergency custody order from eight hours, or in some cases 12 hours, to 24 hours and requires the Board of Health to include in regulations governing hospitals a requirement that every hospital be licensed for and actually capable of accepting from law enforcement the transfer of custody of a person who is the subject of an emergency custody order. (*Patron: Deeds*)

FAILED LEGISLATION

HB 470 / HB 1167 Protective orders; petitioning court on behalf of incapacitated persons.

Allows an employee of a local department of social services to petition a court on behalf of an incapacitated person for a preliminary protective order in cases of family abuse or non-family abuse. (*Patrons: Mullin and Wampler*)

HB 551 / SB 1033 Juvenile community correctional centers and facilities; establishment, placement of juveniles.

Provides that any juvenile community correctional center (as defined in the bill) established after July 1, 2020, shall (i) be located within a locality in which at least five percent of all juvenile commitments occur statewide, using an average of the rate of commitments of the three most recent

consecutive years, and (ii) be designed to confine 30 juveniles or fewer. The bill also states that the Department of Juvenile Justice shall place children at the juvenile community correctional center located closest to their primary residence and within one hour of such residence via motor vehicle and within one and one-half hours of such residence via public transportation. If such placement is not available, the Department shall use an alternative placement that is closest to the juvenile's primary residence, such as a local juvenile detention center. Under current law, the Department may place such children at such facilities as are available. (*Patrons: Ward and Locke*) (*HB 551 failed; SB 1033 was continued to 2021*)

HB 589 Community services boards; funding formula, population and need.

Adds the total population of the area served by each community services board and the level of need for services provided by a community services board among the population of the area served to the list of criteria the Department of Behavioral Health and Developmental Services must consider when allocating state-controlled funds to community services boards. (*Patron: Guzman*)

HB 608 Health Enterprise Zone Program and Fund; established, report.

Establishes the Health Enterprise Zone Program and Fund to target state resources to (i) reduce racial, ethnic, and geographic health disparities; (ii) improve access to health care in underserved communities; (iii) reduce hospital admission and readmission rates; and (iv) reduce health care costs in the Commonwealth. The bill establishes eligibility criteria for localities seeking designation as health enterprise zones and provides for the payment of funds from the Health Enterprise Zone Fund to designated localities for (a) implementation of strategies and interventions proposed in the application for designation as a health enterprise zone and (b) provision of education loan repayment assistance or financial assistance to defray the cost of capital

improvements or equipment purchase by health care providers in the health enterprise zone, as described in the application for designation as a health enterprise zone. (*Patron: Miyares*)

HB 699 Mandatory outpatient treatment; rescission of order.

Makes several changes to statutes governing mandatory outpatient treatment, including clarifying the types of evidence that may be considered by a court in determining whether continued mandatory outpatient treatment is warranted; clarifying the criteria that a court is required to consider when reviewing or determining whether to rescind or continue a mandatory outpatient order or order for mandatory outpatient treatment following inpatient treatment; and limiting the frequency with which a person who is the subject of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment may petition for review of such order to no more than once during each 90-day period following entry of such order. (*Patron: Hope*)

HB 700 Mandatory outpatient treatment; eliminates patient consent.

Eliminates the patient consent requirement for minors age 14 or older and adults before mandatory outpatient treatment may be ordered; retains requirement that a minor's parents must agree to abide by the minor's treatment plan. (*Patron: Hope*)

HB 713 Mandatory outpatient treatment orders; judicial review conferences.

Extends from 90 days to 180 days the maximum time period a court may order mandatory outpatient treatment for adults and juveniles. The bill provides that any order for mandatory outpatient treatment may include provisions for periodic reviews for certain specified purposes. (*Patron: Hope*)

HB 809 Child abuse and neglect; valid report or complaint, alleged abuser.

Requires a local department of social services to conduct an investigation or family assessment when, among other things, a report or complaint of child abuse or neglect is received in which the alleged abuser (i) is the child's relative by blood, marriage, or adoption; (ii) is the child's caretaker or has supervisory control over such child; or (iii) resides or is regularly present in the same household as the child. The bill also amends the definition of "abused or neglected child" to accommodate this directive. Under current law, local departments are only required to conduct an investigation or family assessment when the alleged abuser is the child's parent or other caretaker. (*Patron: Delaney*)

HB 828 Assisted living facilities and group homes; location.

Requires that localities not allow certain assisted living facilities and group homes with eight or fewer residents approved by the locality on or after July 1, 2020, to be located within one-quarter mile of such existing assisted living facility or group home, provided such enforcement is in compliance with applicable state and federal fair housing laws. (*Patron: Sullivan*)

HB 829 Group homes; license application, notice to locality.

Requires persons applying for licensure as a group home with the Department of Behavioral Health and Developmental Services to provide notice to the local governing body, the general public, and residential occupants within one-half mile of the proposed location of the group home. The bill requires that such notices include a statement of intent to operate a group home and the address of the proposed location of the group home. The bill also requires (i) the Department to establish and maintain a process for receiving comments regarding such notices and (ii) the Commissioner of Behavioral Health

and Developmental Services to consider all comments received within 30 days of the notice when deciding whether to grant the license application. (*Patron: Sullivan*)

HB 855 Group home; definition, licensure of private providers.

Defines “group home” for the purposes of licensure of private providers by the Departments of Social Services and Behavioral Health and Developmental Services and provides that “group home” does not include any facility licensed by the Department of Health. (*Patron: Murphy*)

HB 918 Emergency custody and temporary detention orders; execution.

Clarifies the meaning of the term “execute” for purposes of emergency custody and temporary detention orders, clarifies the scope of the medical evaluation of treatment that may be required by a facility of temporary detention, and provides that in cases in which an emergency custody or temporary detention order is not executed because of the time necessary to provide required medical evaluation and care, the facility shall notify the community services board. (*Patron: Convors-Fowler*)

HB 920 / SB 570 State-Funded Kinship Guardianship Assistance program; created.

Creates the State-Funded Kinship Guardianship Assistance program to facilitate child placements with relatives, including fictive kin, and ensure permanency for children in foster care. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also expands eligibility for the Federal-Funded Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they have been the foster parent. (*Patrons: Brewer and Mason*)

HB 1127 Therapeutic day treatment; definition.

Directs the Board of Medical Assistance Services to develop and implement a plan that directs and guides Medicaid managed care organizations in authorizing school-based therapeutic day treatment for children and adolescents during the transition to the full implementation of redesigned school-based services to minimize gaps in therapeutic day treatment coverage during the transition period. (*Patron: Davis*)

HB 1214 / SB 117 Family day homes; licensure threshold.

A BILL to amend and reenact §§ 15.2-2292 and 63.2-100 of the Code of Virginia, to reduce from five to three the number of children for whom a family day home must obtain a license to provide child care services. (*Patrons: Simonds and Favola*)

HB 1286 Group homes and children’s residential facilities; limit on number of license applications.

Prohibits applicants for licensure as a group home or children’s residential facility from reapplying for a license for a period of two years after such applicant has been refused a license three times. (*Patron: Murphy*)

SB 300 DMAS; remote patient monitoring, rural populations.

Amends the State Plan for Medical Assistance Services to require the payment of medical assistance for medically necessary and clinically effective remote patient monitoring services for rural and underserved populations, with the home as an eligible telemedicine originating site. The bill requires the Department of Medical Assistance Services to prepare and submit to the Centers for Medicare and Medicaid Services an application for such waiver or waivers as may be necessary to implement the provisions of the bill. (*Patron: Stanley*)

**SB 471 Medical Assistance Services,
Department of; contracts with managed
care organizations.**

Directs the Department of Medical Assistance Services to amend contracts with managed care organizations to ensure that eligible individuals are not denied coverage for therapeutic day treatment. (*Patron: Reeves*)

Transportation

PASSED LEGISLATION

HB 193 Vehicles used for agricultural and farm purposes; other uses.

Amends §§ 46.2-665 of the Code of Virginia, to authorize the use of vehicles exempt from vehicle registration and used exclusively for agricultural or horticultural purposes to transport the vehicle owner between his residence and the land where such agricultural or horticultural activities take place, among other provisions. (*Patron: Orrock*)

HB 284 / SB 225 Removal of dangerous roadside vegetation; local option.

Amends the Code of Virginia by adding a section numbered 15.2-2009.1, to authorize any locality, by ordinance, to require the owner of any property located adjacent to a right-of-way maintained by the Virginia Department of Transportation to remove any and all trees, tree limbs, shrubs, high grass, or other substance that might dangerously obstruct the line of sight of a driver, be involved in a collision with a vehicle, or interfere with the safe operation of a vehicle. (*Patrons: Cole, J.G. and Stuart*)

HB 465 Transportation companies, certain; local regulation.

Amends § 46.2-1315 of the Code of Virginia, to extend from January 1, 2020, to October 1, 2020, the prohibition on offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in any locality that has not enacted any licensing ordinance, regulation, or other action regulating such business, among other provisions. The legislation contains an emergency clause. (*Patron: Keam*)

HB 543 / SB 871 Electric power-assisted bicycles; amends definition.

Amends the Code of Virginia by adding a section numbered 46.2-904.1, to amend the

definition of “electric power-assisted bicycle” to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails, among other provisions. (*Patrons: Carr and Marsden*)

HB 578 Smoking; illegal in motor vehicle when a minor under the age of 15 is present.

Amends § 46.2-810.1 of the Code of Virginia, to expand the group in the presence of whom it is illegal to smoke in a motor vehicle from minors under the age of eight to minors under the age of 15. (*Patron: Guzman*)

HB 717 Electric vehicles; DMME to determine feasibility of a rebate program.

Establishes a working group to determine the feasibility of an electric vehicle rebate program. The working group will report on its findings and recommendations by November 1, 2020. (*Patron: Reid*)

HB 874 / SB 160 Handheld personal communications devices; holding devices while driving a motor vehicle.

Amends the Code of Virginia by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-818.2, to prohibit any person from holding a handheld personal communications device while driving a motor vehicle, among other provisions. The bill has a delayed effective date of January 1, 2021. (*Patrons: Bourne and Surovell*)

HB 914 / SB 896 Segregation in transportation; repeals certain Acts.

Repeals acts of assembly chapters from 1901, 1906, and 1959 requiring and facilitating segregation on railcars, streetcars, and buses. (*Patrons: Jones and Ebbin*)

HB 941 / SB 557 VDOT; electronic speed indicator signs on U.S. Route 17.

Requires the Commissioner of Highways to place at least six permanent electronic speed indicator signs on U.S. Route 17 near particular intersections in Fauquier County. (*Patrons: Webert and Vogel*)

HB 991 Firefighting equipment; weight limitation on interstate.

Amends § 46.2-1102 of the Code of Virginia, to require firefighting equipment to comply with existing weight limitations for emergency vehicles on interstate highways. Current law exempts firefighting equipment from all size and weight limitations. The legislation exempts emergency vehicles registered to a federal, state, or local agency or a fire company from any fee typically charged for the issuance of an overweight permit for such vehicle. (*Patron: Reid*)

HB 1126 Abandoned, unattended, or immobile vehicles; minimum weight.

Amends §§ 46.2-1200 of the Code of Virginia, to limit the current prohibition on and remedies for abandoned, unattended, or immobile vehicles to vehicles that weigh at least 75 pounds. (*Patron: Davis*)

HB 1414 / SB 890 Transportation; amends numerous laws related to funds, safety programs, revenue sources, etc.

Amends numerous sections of the Code of Virginia and Acts of Assembly, to amend numerous laws related to transportation funds, revenue sources, construction, and safety programs. The legislation adopts numerous structural changes to the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to subfunds established to meet the varying transportation needs of different modes of transportation. The legislation raises the Commonwealth's gas tax 5 cents per gallon per year for two years

beginning on July 1, 2020, and after July 1, 2022, adjusting the rate to the United States Average Consumer Price Index, all urban consumers (CPI-U); raises the diesel fuel tax to 27 cents per gallon by July 1, 2021 and also pegging the rate to CPI-U; imposes a 7.6 cent per gallon tax on gas distributors in any County or City that currently does not have a regional fuel tax, such as the ones existing in Northern Virginia, Hampton Roads, and the I-81 corridor, effective July 1, 2021, and also pegging it to CPI-U; creates a new highway use fee on fuel-efficient vehicles; reduces the state's annual vehicle registration fee for motor vehicles by \$10 while maintaining local registration fee rates; creates a new entity known as the Virginia Passenger Rail Authority, whose purpose is to develop, maintain, and improve passenger rail facilities and increase passenger rail capacity in the Commonwealth; reduces the annual distribution of recordation tax revenues to cities and counties from \$40 million to \$20 million effective July 1, 2020; and delays the reduction in regional WMATA capital fees, the creation of the regional congestion relief fee, and the increase in Transient Occupancy Tax in Northern Virginia, to May 1, 2021, among other provisions. (*Patrons: Filler-Corn and Saslaw*)

HB 1427 Passing stopped school bus; vendor, administrative fee.

Amends § 46.2-844 of the Code of Virginia, to authorize a private vendor operating a video monitoring system for a school division for the purpose of recording those illegally passing stopped school buses to impose and collect an administrative fee to recover the cost of collecting the civil penalty to be paid by the operator of the vehicle. (*Patron: Krizek*)

HB 1442 Photo speed monitoring devices; civil penalty.

Amends the Code of Virginia by adding a section numbered 46.2-882.1, to authorize state and local law-enforcement agencies to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that

are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such zone is indicated by conspicuously placed signs displaying the maximum speed limit and that such photo speed monitoring devices are used in the area, among other provisions. (*Patron: Jones*)

HB 1518 Primary and secondary highways; compensation of counties for certain construction.

Amends § 33.2-338 of the Code of Virginia, to allow the Department of Transportation to pay a locality up-front for eligible expenses related to certain transportation projects administered by the locality, instead of being reimbursed after completion of the project, among other provisions. (*Patron: McQuinn*)

HB 1541 Central Virginia Transportation Authority; created.

Amends the Code of Virginia by adding in Title 33.2 a chapter numbered 37, to create the Central Virginia Transportation Authority, comprising the counties and cities located in Planning District 15. The Authority will administer transportation funding generated through the imposition of an additional regional 0.7 percent sales and use tax and a wholesale gas tax of 7.6 cents per gallon of gasoline and 7.7 cents per gallon of diesel fuel, effect October 1, 2020. The gas tax rates would be indexed for inflation. (*Patron: McQuinn*)

HB 1560 Transportation, Department of; primary evacuation routes.

Amends the Code of Virginia by adding a section numbered 33.2-275.1, to direct the Virginia Department of Transportation to develop, maintain, and make publicly available a map of primary evacuation routes in the Commonwealth and requires the Department to review the transportation infrastructure along such routes and submit a report with such findings and any recommended

improvements to the General Assembly at least once every five years. (*Patron: Brewer*)

HB 1586 Washington Metropolitan Area Transit Authority; allocation of funds.

Amends § 33.2-1526.1 of the Code of Virginia, to provide that increases in service approved by the Washington Metropolitan Area Transit Authority Board shall not be included in the calculation of the annual increase in total operating expenses included in an approved WMATA budget. (*Patron: Watts*)

HB 1705 Pedestrians; drivers to stop when yielding the right-of-way.

Amends § 46.2-924 of the Code of Virginia, to clarify the duties of vehicle drivers to stop when yielding to pedestrians at clearly marked crosswalks, any regular pedestrian crossing, or any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour, among other provisions. (*Patron: Kory*)

HB 1726 / SB 1038 Hampton Roads Regional Transit Program and Fund; created, transit funding.

Amends the Code of Virginia by adding a section numbered 33.2-2600.1, to create the Hampton Roads Regional Transit Program to develop, maintain, and improve a regional network of transit routes and related infrastructure, rolling stock, and support facilities. The program would be funded by an additional (i) regional grantor's tax at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) regional transient occupancy tax at a rate of one percent of the charge for the occupancy, both imposed in localities in the Hampton Roads Transportation District, the latter of the two being effective May 1, 2020. The bill also dedicates \$20 million of revenues from existing recordation taxes to funding the program. The moneys would be deposited into the Hampton Roads Regional Transit Fund, created by the bill. (*Patrons: Askew and Lucas*)

SB 437 Bicyclists and other vulnerable road users; penalty.

Amends the Code of Virginia by adding a section numbered 46.2-816.1, to provide that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or a person operating a bicycle, electric wheel chair, electric bicycle, wheelchair, skateboard, skates, motorized skateboard or scooter, or animal-drawn vehicle or riding an animal, is guilty of a Class 1 misdemeanor, among other provisions. (*Patron: Surovell*)

SB 525 Passenger buses; width requirements.

Repeals § 46.2-1107 of the Code of Virginia, to repeal provisions whereby the Commissioner of Highways and the Commonwealth Transportation Board may permit certain counties to operate passenger buses wider than 96 inches but no wider than 102 inches. (*Patron: McDougle*)

SB 758 Electric personal delivery devices; changes related to devices.

Amends § 46.2-908.1:1 of the Code of Virginia to make several changes related to electric personal delivery devices, including changing the term used to refer to such devices to “personal delivery devices” and changing the weight limit of such devices from 50 to 500 pounds. The legislation allows localities to regulate the use of personal delivery devices on sidewalks, crosswalks, or roadways but requires a locality to allow a personal delivery device to operate on the side of a roadway with a speed limit of 25 miles per hour or less if a sidewalk is not available. (*Patron: Marsden*)

SB 848 Northern Virginia Transportation Commission; changes report date.

Amends § 33.2-3403 of the Code of Virginia, to change from November 1 to December 15 the annual reporting date of the Northern Virginia Transportation Commission to the Governor

and the General Assembly regarding the performance of the Washington Metropolitan Area Transit Authority. (*Patron: Ebbin*)

SB 968 Relocated billboard signs; maintenance and repair.

Amends § 33.2-1230 of the Code of Virginia, to provide for the maintenance and repair of nonconforming billboard signs. Under current law when the relocation or expansion of a sign within a VDOT rights-of-way requires relocation of a nonconforming sign, such sign shall be granted nonconforming status so long as the cost of the replacing or rebuilding does not exceed 50 percent of the current replacement cost. The bill removes this requirement to allow continuation of nonconforming status. (*Patron: Marsden*)

CONTINUED TO 2021

HB 157 Drivers of vehicles approaching stationary vehicles displaying certain warning lights; duties, etc.

Amends § 46.2-861.1 of the Code of Virginia, to make a driver’s failure to (i) move into a nonadjacent lane on a highway with at least four lanes when approaching a stationary towing vehicle or incident or traffic management vehicle displaying flashing, blinking, or alternating amber lights or (ii) proceed with due caution and maintain a safe speed when passing such a vehicle reckless driving, which is punishable as a Class 1 misdemeanor, among other provisions (*Patron: Fowler*)

HB 729 Transit funding; raises the existing regional transportation fee, etc.

Amends the Code of Virginia by adding a section numbered 58.1-802.4, to raise the existing regional transportation fee, a grantor’s tax, from \$0.15 per \$100 to \$0.20 per \$100 for localities in the Northern Virginia Transportation Authority that are also members of the Northern Virginia Transportation District, among other provisions. (*Patron: Watts*)

HB 970 Transportation; use of funds.

Amends the Code of Virginia by adding a section numbered 33.2-100.1, to state that it is the policy of the Commonwealth that revenues dedicated to transportation purposes shall not be used or redirected for any non-transportation purpose. (*Patron: LaRock*)

HB 1243 Public-Private Transportation Act of 1995; affected local jurisdictions and public entities.

Amends § 33.2-1805 of the Code of Virginia, to require a private entity requesting approval to develop and operate a qualifying transportation facility under the Public-Private Transportation Act of 1995 or a qualifying project under the Public-Private Education Facilities and Infrastructure Act of 2002 to include an economic impact analysis identifying any potentially adverse economic or revenue impacts a potential comprehensive agreement may have on all affected local jurisdictions among other provisions. (*Patron: Heretick*)

HB 1603 Traffic incident management vehicles; definition.

Amends § 46.2-1029.2 of the Code of Virginia, to allow traffic incident management vehicles, defined in the bill, to be equipped with flashing red or red and white secondary warning lights. (*Patron: Austin*)

SB 1011 Transportation, Department of; application of design standards, modifications.

Amends the Code of Virginia by adding a section numbered 33.2-269.1, to authorize a Residency Engineer of the Virginia Department of Transportation, a licensed engineer designated by a Residency Engineer, or a licensed engineer selected by a Resident Administrator to approve modifications to the Department's design standards in certain situations. (*Patron: McDougale*)

FAILED LEGISLATION**HB 130 Motor vehicle safety inspection program; abolishes the state program.**

Amends numerous sections of the Code of Virginia, to abolish the state motor vehicle safety inspection program. (*Patron: McNamara*)

HB 283 Highway construction and maintenance; time limitations.

Amends the Code of Virginia by adding a section numbered 33.2-317.1, to prohibit construction or maintenance that blocks a lane of travel on a primary or interstate highway between 6:00 a.m. and 6:00 p.m. (*Patron: Cole, J.G.*)

HB 497 Vehicles not designed or used for transportation of passengers; registration fees.

Amends § 46.2-697.2 of the Code of Virginia, to exempt trucks weighing less than 26,000 pounds from the additional truck registration fee and exempt trucks, regardless of weight, that are driven less than 25,000 miles per year. (*Patron: Marshall*) (*Failed*)

HB 616 Motor vehicles; when headlights to be lighted.

A BILL to amend and reenact § 46.2-1030 of the Code of Virginia, to require every vehicle in operation to display lighted headlights. (*Patron: Plum*)

HB 620 Statewide prioritization process; project selection.

A BILL to amend and reenact § 33.2-214.1 of the Code of Virginia, to require the Commonwealth Transportation Board, when evaluating projects under the statewide prioritization process known as SMART SCALE, to evaluate (i) congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays, and (ii) accessibility on the basis of the area of influence of a project

for a radius of 55 miles. Similar to HB 642.
(*Patron: Cole, J.G.*)

HB 774 Commonwealth Transportation Board; increases revenue-sharing funds.

Amends § 33.2-357 of the Code of Virginia, to increase the maximum matching allocation that the Commonwealth Transportation Board may make to a locality from \$5 million to \$10 million and increases the portion of such funds that such locality may use for the maintenance of highway systems from \$2.5 million to \$5 million. (*Patron: LaRock*)

HB 1216 State of good repair funds; bridges subject to repeated flooding.

Amends § 33.2-369 of the Code of Virginia, to make bridges that are subject to repeated flooding eligible for state of good repair funding. (*Patron: Tran*)

HB 1390 Rural Transportation Fund; created.

Amends Code of Virginia by adding in Article 7 of Chapter 15 of Title 33.2 a section numbered 33.2-1533, to establish the Rural Transportation Fund, to be funded by transferring 10 percent of annual lottery revenues in fiscal years 2020 through 2024 from the Lottery Proceeds Fund, among other provisions. (*Patron: O'Quinn*)

HB 1439 Transportation safety; adopting several initiatives.

Amends the Code of Virginia by adding in Article 2 of Chapter 2 of Title 46.2 a section numbered 46.2-224.1, to adopt several initiatives related to transportation and safety, including (i) making it illegal to possess an open container of alcohol in a motor vehicle; (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense; (iii) prohibiting the use of handheld personal communication devices; (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine;

and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. Similar to SB 907.
(*Patron: Jones*)

SB 692 Interstate 81 Corridor; motor vehicle fuels sales tax.

Amends § 58.1-2295.1 of the Code of Virginia, to limit the application of the additional motor vehicle fuels sales tax imposed under current law in all counties and cities in Planning Districts 3, 4, 5, 6, and 7 to those counties or cities in Planning District 3, 4, 5, 6, or 7 in which a portion of Interstate 81 is located.
(*Patron: Obenshain*)

SB 916 Towing fees; raises to \$30 additional fee that can be charged for towing a vehicle at night, etc.

Amends § 46.2-1233 of the Code of Virginia, to raise from \$25 to \$30 the additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday, among other provisions. (*Patron: Marsden*)

SB 1010 Robert O. Norris Bridge & Statewide Special Structure Fund; Commonwealth Transportation Bd. to fund.

Amends the third enactment of Chapter 83 of the Acts of Assembly of 2019, to direct the Commonwealth Transportation Board to allocate \$80 million in funding to the Robert O. Norris Bridge and Statewide Special Structure Fund in fiscal year 2021. (*Patron: McDougale*)

SB 1016 Transportation funding; statewide prioritization process.

Amends § 33.2-214.1 of the Code of Virginia, to provide that the economic development factor shall be weighted at least twice as much as the congestion mitigation factor in highway construction districts with higher-than-average unemployment or with localities with high fiscal stress when the Commonwealth Transportation Board is evaluating a project located on a corridor of statewide significance under the SMART SCALE criteria.
(*Patron: Stanley*)

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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.