



# **VACo 2021 LEGISLATIVE SUMMARY**

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**JUNE 1, 2021**

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## Vital Statistics from the 2021 Session

	Introduced	Passed	Failed	Vetoed
House Bills	604	7	463	0
House Joint Resolutions	277	67	44	0
House Resolutions	128	124	4	0
Senate Bills	379	1	237	0
Senate Joint Resolutions	129	104	24	0
Senate Resolutions	38	38	0	0
General Assembly Totals	1,555	341	772	0

## Vital Statistics from the 2021 Special Session

	Introduced	Passed	Failed	Vetoed
House Bills	378	334	44	0
House Joint Resolutions	174	172	2	0
House Resolutions	141	141	0	0
Senate Bills	265	218	47	0
Senate Joint Resolutions	17	13	4	0
Senate Resolutions	58	56	2	0
General Assembly Totals	1,033	934	99	0

## Vital Statistics from the 2020 Special Session

	Introduced	Passed	Failed	Vetoed
House Bills	149	31	118	0
House Joint Resolutions	13	1	12	0
House Resolutions	137	135	2	0
Senate Bills	121	25	96	0
Senate Joint Resolutions	1	0	1	0
Senate Resolutions	67	62	5	0
General Assembly Totals	488	254	234	0

# 2021 Legislative Priorities

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## **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. VACo also supports efforts to streamline the permitting of broadband infrastructure in the VDOT right-of-way.

## **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, including expanding dedicated local sales and use tax authority first given to select counties by the General Assembly in 2019.

VACo urges the General Assembly to provide hold-harmless funding for Sales Tax distributions to local school divisions and Direct Aid payment amounts based on average daily membership until the main impacts of COVID-19 on both sources of funding cease. VACo also supports additional resources to provide distance learning and COVID-19 mitigation for in-person instruction.

## **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 infeasible, 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 preserving the authority of county governments to levy and collect revenue from local business taxes.

## **GENERAL GOVERNMENT**

### **Local Authority**

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

### **Unfunded Mandates**

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

## **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 continued study and 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. Though significant progress was in the 2020 legislature, VACo supports continuing efforts to replace the regional funding that was redirected from the Northern Virginia Transportation Authority.





special session) in both fiscal years after adjusting for other spending actions. Various amendments reflect adjustments to the mid-session sales tax reforecast and use of “gray machine” revenues (derived from a monthly tax on the operation of “games of skill,” which were temporarily allowed to continue operating until June 30, 2021) to supplant General Funds. VACo strongly supported this budget language.

- Reduces unfunded liabilities in the VRS teacher retirement plan by directing a deposit of an estimated \$61.3 million General Funds (GF) in FY 2021 to expedite repayment of contributions that were deferred during the 2010-2012 biennium (an estimated \$38.7 million is directed to be deposited to the retiree health insurance credit plan for state employees to reduce unfunded liabilities in that plan as well). VACo has historically supported efforts to reduce the unfunded liability in the teacher retirement plan.
- Provides \$23.2 million Non-General Funds (NGF) in FY 2021 to adjust the Lottery Proceeds forecast to \$708.2 million the first year.
- Provides \$20.1 million General Funds in FY 2021 and \$9.9 million GF in FY 2022 to ensure 40 percent of Lottery Proceeds are dedicated to Infrastructure and Operations Per Pupil Payments, formerly known as Supplemental Lottery Per Pupil Allocations. The additional funding increases these Per Pupil Payments by approximately \$30 per pupil the first year and \$15 per pupil the second year.
- Provides \$40 million GF in FY 2021 from the Lottery Proceeds Fund the first year to support one-time programs and initiatives to address learning loss experienced by students due to the COVID-19 pandemic. No local match is required, and unexpended funds from the first year remain available in the second year.
- Provides \$30 million GF in FY 2022 from federal Elementary and Secondary School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (enacted in December 2020) to provide grants to address COVID-19 related learning loss and other student support needs.
- Provides \$49.2 million GF in FY 2022 to fund the state’s share of three specialized student support positions per 1,000 students. Specialized student support positions, consistent with [SB 1257 \(McClellan\)](#), include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions.
- Provides \$8.8 million NGF in FY 2022 from federal Elementary and Secondary School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to implement the provisions of [HB 2027 \(Coyner\)](#) and [SB 1357 \(Dunnavant\)](#) to restructure Standards of Learning assessments for mathematics and reading in grades 3-8 from a single end-of-year assessment to a growth assessment system that measures student progress above, at, and below grade level.
- Provides \$6.5 million in FY 2022 from federal Elementary and Secondary School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to provide the state share of the cost for school divisions to provide one additional year of education for students with disabilities who were 19 years of age or older and enrolled during the 2020-21 school year.
- Provides \$14.6 million GF in FY 2022 to increase the Cost of Competing Adjustment (COCA) for support positions in the school divisions in Planning District 8 and certain adjacent divisions.
- Captures \$2.8 million GF in FY 2022 by removing Accomack and Northampton counties from the full cost of competing adjustment as included in the introduced budget. Provides \$2 million GF in FY 2022 from the Lottery Proceeds Fund the second year to provide one-time support to Accomack and Northampton school divisions for recruitment and

retention efforts. These funds are contingent on the local school division providing the full 5 percent compensation supplement.

- Provides \$1.2 million GF in FY 2022 as incentive payments for Alleghany County and Covington City school divisions to consolidate to be followed by three payments of \$600,000 in the three subsequent fiscal years. The Board of Education approved the consolidation of these divisions to be effective July 1, 2022. VACo supported this budget language.
- Provides \$120,000 GF in FY 2022 to support the purchase of albuterol and spacers for public schools in Virginia. [HB 2019 \(McQuinn\)](#) will require undesignated stock albuterol inhalers to be maintained in every public school.
- Includes language that directs the Superintendent of Public Instruction to convene a workgroup to make recommendations to the General Assembly on the required qualifications and training for school personnel providing health services in schools.
- Includes language that directs the Department of Education to develop a plan to implement an effective and appropriately-resourced school improvement program based on recommendations 8, 9 and 10 from the JLARC report “Operations and Performance of the Virginia Department of Education.”
- Includes language that directs the Department of Education to revise the state’s special education complaint procedures and practices consistent with recommendation 21 from the 2020 JLARC report on “K-12 Special Education in Virginia.”
- Extends the Superintendent of Public Instruction’s authority to grant temporary flexibility or issue waivers of certain deadlines and requirements into school year 2021-2022.

## **Compensation**

- Redirects funding for the proposed bonus payment included in the introduced budget and adds \$153.6 million GF in FY 2022 to provide the state’s share of a 5 percent salary increase for SOQ instructional and support positions, effective July 1, 2021. A local match based on the composite index is required. The state share of funding for the compensation increase will be prorated for school divisions providing less than a 5 percent salary increase during the biennium; however, a school division must provide at least an average 2 percent salary increase during the biennium to qualify for the funds.
- Redirects funding for the proposed bonus payment included in the introduced budget and provides an additional \$146.1 million GF in FY 2022 to fund a 5 percent salary increase for state employees and state-supported local employees, effective July 1, 2021. Also provides \$4.5 million GF in FY 2022 for an additional 3 percent salary increase and \$3.2 million to address salary compression among sworn employees of the Virginia State Police.

## **Judiciary/Public Safety**

- Provides \$1.8 million GF in FY 2022 for public defender and support positions for the Indigent Defense Commission.
- Provides \$333,200 GF in FY 2022 to fund new requirements imposed by [HB 2110 \(Herring\)](#)/[SB 1391 \(Lucas\)](#) for the Virginia Criminal Sentencing Commission to collect and disseminate certain statewide and locality-level data regarding adults charged with a crime, to include demographic and criminal history data and information regarding supervision by probation or pretrial services. Removes language regarding pre-trial data collection on a pilot basis by the Department of Criminal Justice Services as this responsibility is being assumed by the Virginia Criminal Sentencing Commission.

- Directs the Department of Social Services to establish an interagency working group to develop recommendations for implementation of local criminal justice diversion programs, to include two-generation strategies that meet families' needs by addressing issues related to poverty.
- Provides an additional \$2.5 million GF in FY 2022 for the Emergency Shelter Upgrade Assistance Fund, which aids local governments in preparing for emergency sheltering situation.

## **Constitutional Officers**

- Directs the Compensation Board to work with the Virginia Association of Commonwealth's Attorneys to examine staffing standards for Commonwealth's Attorneys' offices, to include the use of diversion programs and specialty dockets. Provides \$250,000 GF in FY 2022 for the National Center for State Courts to perform a time study of Commonwealth's Attorneys' duties. Directs the Compensation Board to develop a revised staffing model based on the results of the study; an interim report is due November 1, 2021, and a final report is due November 1, 2022.
- Directs the Compensation Board to review the plan developed by the Department of Criminal Justice Services outlining law enforcement participation in the Marcus Alert system enacted during the special session and to survey sheriffs' offices to determine anticipated staffing and training costs to comply with the plan. A report is due November 1, 2021.
- Restores the following unallotted staffing and compensation adjustments for Constitutional officers:
  - o \$2.6 million GF in FY 2022 to adjust entry-level salaries for regional jail officers, similar to the increase provided in 2019 for entry-level deputy sheriffs, effective July 1, 2021.
  - o Funding for 25 percent of the staffing needs for sworn court services positions;
  - o Funding for 25 percent of the staffing needs in Commonwealth's Attorneys' offices;
  - o Funding to align deputy Circuit Court Clerks' salaries with those of district court clerks;
  - o Funding to establish a minimum of three staff positions in each Circuit Court Clerk's office;
  - o \$1 million GF for Circuit Court Clerks' operating budgets in order to reduce the amount of technology trust fund monies that are currently used to support operating budgets as a result of previous budget reductions;
  - o \$752,608 GF in FY 2022 for unfunded and underfunded positions in Treasurers' offices;
  - o \$950,656 GF in FY 2022 for unfunded and underfunded positions in offices of the Commissioners of the Revenue.

## **Elections**

- Authorizes candidates for local office, offices of the General Assembly, statewide offices, and constitutional offices to collect petition signatures through an online form developed by the Department of Elections; this alternative procedure is allowed in 2021 during the COVID-19 state of emergency.
- Extends the applicability of provisions governing the absentee ballot "cure" process, use of



drop off locations for absentee ballots, and the inclusion of prepaid postage with absentee ballots to special elections, general elections, and primaries held prior to July 1, 2021 (when legislation making these provisions permanent would take effect). These provisions were first incorporated in the budget passed during the special session and applied to the November 2020 general election.

- Directs the Department of Elections to use funds remaining from the appropriation provided in the special session to continue to reimburse localities for costs associated with providing prepaid postage with absentee ballots. VACo has advocated for continued state support for this state policy goal.
- Provides \$3.5 million GF in FY 2022 to increase salaries for general registrars to place them on par with those of Treasurers.
- Directs the Chairs of the Virginia Redistricting Commission to keep legislative leadership and the Governor informed regarding the availability of U.S. Census data and its effect on House of Delegates elections.

### **Agriculture and Forestry**

- Provides an additional \$750,000 GF in FY 2022 for the Virginia Farmland Preservation Fund, bringing the total to \$1 million for the year.
- Provides an additional \$2 million GF in FY 2021 for the Virginia Food Access Investment Program, which brings the total appropriation to \$3.1 million GF for the year. VACo was involved in the establishment of this program, which offers grants and loans to expand access to grocery stores and small food retailers in historically marginalized communities.
- Directs the Department of Forestry to convene a stakeholder workgroup to make recommendations to state and local governments on policies which encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. VACo has been part of the group of stakeholders advocating for this initiative.

### **Economic Development/Workforce**

- Provides \$10 million GF in FY 2022 to establish a special, non-reverting Virginia Community Development Financial Institutions Fund to provide grants to community development financial institutions, community development enterprises, or similar entities whose primary purpose is to provide financing in the form of loans, grants or forgivable loans to small businesses or community revitalization real estate projects in Virginia.
- Restores \$250,000 GF in FY 2022 for enterprise zones, which was unallotted in April 2020 and subsequently reduced during the 2020 special session.
- Directs the Department of Mines, Minerals, and Energy to establish a work group to determine the feasibility and approach of creating a Virginia Residential Property-Assessed Clean Energy (R-PACE) Program. A report is due December 1, 2021.
- Provides \$300,000 GF in FY 2022 for the Virginia Employment Commission to complete an actuarial study of the costs associated with the implementation of a paid family and medical leave program in Virginia.
- Provides \$18.9 million GF in FY 2022 to support costs for the Virginia Employment Commission to forgive the overpayment of unemployment insurance benefits under certain conditions.
- Directs \$25 million in revenues from “gray machines” to be used for grants to small businesses through the Rebuild Virginia Program.

- Restores \$36 million GF in FY 2022 for the G3 (Get Skilled, Get a Job, Give Back) program, which assists with community college tuition and other costs for students meeting certain eligibility criteria who are enrolled in programs preparing them for careers in certain high-demand fields. Includes language defining a high-demand field and specifying the process through which additional fields will be added in the future; specifies that health care workers, first responders, and other essential workers are eligible for the program at no cost during the state of emergency and for two years thereafter.
- Restores \$2 million GF in FY 2022 for the Virginia Jobs Investment Program. VACo supports this program, which assists businesses with workforce training costs.
- Restores \$5 million GF in FY 2022 for the Virginia Business Ready Sites program.
- Provides \$500,000 GF in FY 2022 to create the Office of Education and Labor Market Alignment within the Virginia Economic Development Partnership. Adds language directing the Office to serve as a resource for education and workforce programs administered by state government to better inform programmatic decisions on workforce education and training and to assist in determining strategic education and workforce investments.
- Provides \$10 million GF in one-time funding in FY 2022 to increase staffing for processing of unemployment insurance claims.
- Provides \$5 million GF in one-time funding in FY 2022 to integrate federal CARES Act programs into the state's modernized unemployment insurance system.

## **Broadband**

- Provides \$424,000 GF in FY 2022 for the creation of a statewide broadband map. VACo supported this item.
- Directs the Department of Housing and Community Development to establish a pilot program within the Virginia Telecommunication Initiative (VATI) for which public broadband authorities may apply without a private sector partner, with awards not to exceed 10 percent of total available VATI funds. VACo supports removing the requirement that VATI funds only be made available to local governments with a private sector partner.
- Provides \$500,000 GF in FY 2022 for initiatives designed to expand education and telehealth access in the Lenowisco Planning District Commission and Cumberland Plateau Planning District Commission.
- Directs the Department of Social Services to design a program to provide a subsidy for broadband service costs for select households participating in the Supplemental Nutrition Assistance Program. A report on the potential program is due by November 1, 2021.
- Provides an additional \$15.25 million GF for VATI, for a total of \$49.7 million in the VATI program in FY 2022 and \$250,000 in administrative support. VACo supports this additional financial assistance to counties to build the necessary telecommunications infrastructure for unserved areas. VACo supported this increase in funding for broadband.

## **Housing**

- Provides \$50,000 GF in FY 2022 for costs associated with a workgroup to be convened by the Department of Housing and Community Development to develop recommendations on increasing local development of accessory dwelling units on single-family lots.
- Updates language regarding rental assistance and specifies the process through which a landlord may apply for rental assistance on behalf of a tenant, as well as the circumstances under which the landlord may take action to obtain possession of the dwelling unit.

- Deposits \$15.7 million GF in FY 2021 and \$25 million GF in FY 2022 in the Housing Trust Fund, with direction that the FY 2021 deposit be dedicated to continuing the Virginia Rent and Mortgage Relief Program after the expiration of federal Coronavirus Relief Funds that are currently supporting the program. Restores \$3.3 million GF in FY 2022 to continue the Eviction Prevention and Diversion Pilot Program, which supports local or regional programs that link clients to local departments of social services and legal aid.

### **Child Care/Early Childhood**

- Captures \$15.9 million GF in FY 2021 from the Virginia Preschool Initiative (VPI) based on actual enrollment reported in the 2020-2021 school year.
- Authorizes the use of unspent VPI funds to supplement certain other early childhood initiatives; directs the Department of Education to prioritize serving at-risk four-year-olds in reallocating funds among components of VPI.
- Appropriates \$52.5 million in federal Child Care and Development Fund (CCDF) dollars in FY 2022 to temporarily expand the Child Care Subsidy Program in accordance with legislation passed by the General Assembly, as well as \$9.6 million in CCDF funds in FY 2021.
- Increases the VPI per-pupil amount from \$6,326 to \$7,655 by providing \$11.1 million GF in FY 2022; Restores \$5 million GF in FY 2022 for incentive payments to retain early childhood educators. Provides \$164,174 GF in FY 2022 for a Deputy Superintendent of Early Childhood position in the Department of Education.

### **Aid to Local Public Libraries**

- Restores \$1 million GF in FY 2022 in state aid to local public libraries that was unallotted in April 2020. VACo supported the restoration of this funding.

### **Study of Local Property Tax Exemptions**

- Directs the Commission on Local Government to review the effects of mandatory property tax exemptions on local finances, to include recommendations to mitigate the impacts on local budgets. This language was a request of VACo.

### **Children's Services Act**

- Directs the Department of Education to collect and report data on staff credentials, accreditation status, and incidents of restraint and seclusion in private special education day schools and directs the Board of Education to promulgate regulations for private special education day schools on restraint and seclusion that establish the same requirements as those for public schools. These proposals are recommendations of JLARC in its November 2020 report.
- Includes \$121,443 GF in FY 2022 to fund an additional position in the Office of Children's Services (OCS) to support the additional responsibilities to be undertaken by the agency as a result of legislation passed by the General Assembly, which incorporated JLARC recommendations for the agency to be more involved in ensuring effective local implementation of the Children's Services Act. Requires OCS to develop a plan to modify its staffing and operations to carry out these responsibilities and to collect information

from local CSA programs regarding staffing and funding levels in order to target technical assistance, both also recommendations of JLARC.

- Eliminates the annual two percent rate cap on increases that localities may pay for private day special services under the Children's Services Act in FY 2022 in anticipation of the completion of a report on rate-setting in September 2021 and rate-setting beginning July 1, 2022.
- Eliminates language that was added to the budget during the special session to make clear that local Children's Services Act programs must continue to fund services associated with a child's placement in a private school pursuant to an individualized education plan, but may adjust rates paid to account for virtual or distance learning such that rates reflect the level of service being provided.
- Provides \$305,357 GF in FY 2022 to support CSA costs associated with the State Kinship Guardianship Assistance Program established in legislation this session, which provides financial assistance to relatives and fictive kin (non-relatives who have an established relationship with a child or his/her family) who assume custody of a child who would otherwise be in foster care.
- Reflects the shifting of certain costs from Title IV-E to Medicaid for children in psychiatric residential treatment facilities. The Department of Medical Assistance Services has indicated that these costs are no longer to be covered by Title IV-E, which is a state-federal cost-share, and will instead be covered by Medicaid, which includes a local match.

## **Health**

- Designates \$956,377 in federal grant funds in FY 2022 to implement legislation passed this session that would provide for the development and implementation of a system for sharing information regarding confirmed cases of communicable diseases of public health threat with emergency medical services agencies in real time during a declared public health emergency.
- Provides \$2.7 million GF in FY 2022 to support 23 additional epidemiologist and communicable disease nurse positions in local health departments, in addition to the 24 positions funded with \$3.1 million in the introduced budget.
- Modifies a proposal in the introduced budget to update the revenue capacity data in the funding formula for the Cooperative Health Budget (which funds local health departments). As introduced, the formula would be updated in FY 2022, and \$10.2 million in state funding would be provided in FY 2022 to cover the additional state share of funds required for localities that would see their local match rates decrease and to hold localities harmless that would be required to contribute an additional local match. As enacted, budget language would instead phase in the formula update over three years and provide \$2.8 million in FY 2022 for the additional state contribution for localities with decreasing local match rates.
- Provides \$276,897 GF in FY 2022 for increases in rent for local health departments (which includes funding for rent increases that was unallotted in April 2020). Directs the Virginia Department of Health to prepare annual requests for funding for rent increases for potential inclusion in the Governor's introduced budget.
- Provides \$2.7 million GF and \$4.2 million in federal Medicaid funding for the costs of remote patient monitoring services provided via telemedicine for Medicaid recipients with medically necessary conditions in accordance with legislation passed this session. VACo has historically supported expanding options for telemedicine.



## **Behavioral Health**

- Directs the Department of Behavioral Health and Developmental Services (DBHDS) to continue the workgroup established last year to consider expanding the categories of individuals who may conduct evaluations for Temporary Detention Orders.
- Directs DBHDS to establish a workgroup to review the current processes and barriers to sharing relevant patient information between community hospitals and Community Services Boards (CSBs) for shared patients subject to an Emergency Custody Order and under evaluation for a Temporary Detention Order.
- Provides \$3.8 million GF in FY 2022 to fully restore funding for pilot projects to reduce census pressures on state hospitals. (A total of \$7.5 million each year was approved in the 2020 Regular Session, but was unallotted in April 2020; half of the funding was restored during the special session and this action restores the remainder.) Language also provides that pilot projects could also include the option to build community capacity for patients on the Extraordinary Barriers List in order to relieve census pressure.
- Directs DBHDS, in collaboration with the Virginia Treatment Center for Children (VTCC), to develop strategies to better utilize VTCC in assisting with the census pressures on the Commonwealth Center for Children and Adolescents (CCCA).
- Directs DBHDS, in cooperation with the Department of Medical Assistance Services, the Medicaid managed care organizations, and CSBs to report on current efforts to provide early psychosis intervention and coordinated specialty care for children, adolescents and young adults in need of services.
- Restores \$150,000 GF in FY 2022 to assist with the transportation costs of patients discharged from state hospitals who were admitted under a Temporary Detention Order (these funds were unallotted in April 2020).
- Retains the introduced budget's transfer of funding for purchase of acute inpatient or community-based psychiatric services at private facilities from the Grants to Localities item in the budget to the DBHDS central office, but includes language clarifying that this funding shall continue to be allocated to Community Services Boards so as not to disrupt local service contracts.
- Provides \$250,000 GF in FY 2022 in additional support to recovery residences organizations.
- Provides \$2.1 million GF in FY 2022 to restore previously-unallotted funding for forensic discharge planning in jails.
- Provides \$3.5 million GF in FY 2022 to support the diversion and discharge of individuals with dementia from state hospitals, to include contracts to support serving individuals in private settings and funding for a pilot mobile crisis program targeted toward individuals with a diagnosis of dementia. Directs the Secretary of Health and Human Resources to convene a workgroup to make recommendations for the use of evidence-based services for individuals with dementia to improve quality of care and reduce hospitalizations. Directs the workgroup to include an evaluation of the Northern Virginia Regional Older Adult Facilities Mental Health Support Team in its analysis.

## **Social Services**

- Provides a 10 percent increase in Temporary Assistance to Needy Families (TANF) and directs the Department of Social Services to develop a plan to increase the standards of assistance by 10 percent annually until the standards equal 50 percent of the federal poverty level.

- Provides \$2.1 million in TANF funding in FY 2022 to implement a program so that TANF-eligible individuals may save funds in an individual development account established for the purposes of home purchase, education, starting a business, transportation, or self-sufficiency.
- Provides \$1 million GF and \$1.4 million in federal funds to expand Supplemental Nutrition Assistance Program Employment and Training programs to additional local departments of social services.
- Provides \$2.2 million GF and \$2.2 million NGF in FY 2022 to increase the minimum pay band for local departments of social services positions. The pay band minimum would increase by 20 percent for family services positions and 15 percent for all other benefit program services positions, self-sufficiency services positions, and administration positions that are currently below the new minimum threshold.
- Provides \$4.4 million GF in FY 2022 to increase the Auxiliary Grant (AG) rate by 10 percent. Auxiliary Grants require a 20 percent local match.
- Provides \$9.2 million GF and \$5 million in federal funds in FY 2022 for prevention services for children at imminent risk of entering foster care, in keeping with the federal Family First Prevention Services Act.

## **Natural Resources**

- Provides an additional \$30 million GF in FY 2022 for agricultural best management practices, in addition to the \$13.6 million in the Governor's budget.
- Provides \$25 million GF for the Stormwater Local Assistance Fund in FY 2022. This funding is in addition to the \$50 million in bond authorization included in the 2020 Appropriation Act. VACo has historically supported funding for this program.
- Provides \$50 million GF and \$50 million in bond authorization for the Enhanced Nutrient Removal Certainty Program. This is in addition to the \$50 million in bond authorization provided by the General Assembly last year (so there will be \$150 million available as of July 1, 2021). This funding was strongly supported by VACo and will help implement the Enhanced Nutrient Removal Certainty Program, as established by [HB 2129 \(Lopez\)](#) and [SB 1354 \(Hanger\)](#).
- Deposits \$1.1 million GF in the Virginia Stormwater Management Fund in FY 2022. Directs the State Water Control Board to adopt a schedule that sets fees at an amount of at least 60 percent (and no more than 62 percent) of the direct costs for the Department of Environmental Quality's administration, compliance, and enforcement activities in its stormwater management programs. This new fee schedule will affect Virginia Pollutant Discharge Elimination System Permits for Discharges of Stormwater from Construction Activities and municipal separate storm sewer system permits. According to the Virginia Municipal Stormwater Association, MS4 permit fees currently are at 54.5 percent. Most of the impact will be on construction permitting.
- Provides \$115,000 GF in FY 2022 to fund one position at the Department of Environmental Quality to administer permit-by-rule applications for energy storage projects pursuant to the provisions of [HB 2148 \(Willett\)](#) and [SB 1207 \(Barker\)](#).
- Provides \$230,000 GF in FY 2022 to fund staffing dedicated to the erosion and sediment control program to review erosion and sediment control plans for solar project permitting upon the request of a locality pursuant to the provisions of [SB 1258 \(Marsden\)](#). Establishes a working group for the purpose of developing an annual or project-based fee schedule for the review of erosion and sediment control plans related to solar energy project applications. The working group is to include representatives of (i) private sector

companies that own or operate solar energy facilities, (ii) local governments that permit solar facilities, and (iii) other stakeholders determined by the Department to be necessary to the development of the fee schedule.

- Creates a multi-agency workgroup to review the practice of retiring agricultural land for the generation of nutrient credits and determine its impact on agricultural sustainability, farmland retention, farmland preservation, and functions of the nutrient credit exchange in the Virginia portion of the Chesapeake Bay watershed and its subwatersheds.
- Directs the Department of Environmental Quality, the Virginia Department of Agriculture and Consumer Services, and the Virginia Department of Health to convene a joint workgroup to analyze the factors that lead to the formation and occurrence of harmful algae blooms and to make recommendations for plans and strategies for state agencies to lead or support appropriate mitigation efforts.
- Directs the Department of Environmental Quality to study advanced recycling, which includes processes that convert certain plastic waste into hydrocarbon raw materials. The study is to include a survey of other states' approaches to regulation of advanced recycling and recommendations for regulation of the industry in Virginia.
- Delays by one fiscal year the authority of the Department of Wildlife Resources to assess fees for access to boat ramps it owns or manages, and directs the Department to study the costs and benefits of such access fees.

## **Transportation**

- Dedicates \$3.6 million in the Transit Ridership Incentive Program for regional connectivity programs focused on congestion reduction and mitigation through provision of long-distance commuter routes. Appropriates \$233.4 million in federal funding, \$20 million in uncommitted balances from the Transportation Partnership Opportunity Fund, \$15 million in other uncommitted balances previously allocated for Financial Assistance for Planning, Access Road, and Special Projects in FY 2021, and \$55 million GF in FY 2022 for specified initiatives, including:
  - \$83.5 million to extend passenger rail service from Roanoke to the Blacksburg-Christiansburg area and increase the frequency of passenger rail service along the I-81/Route 29 corridor from Washington, D.C.
  - \$83.5 million to improve commuter rail service on the Virginia Railway Express Manassas line
  - \$93.1 million for improvements to the I-64 corridor
  - \$32.4 million for the state's share of dedicated regional funding for the Washington Metropolitan Area Transit Authority
  - \$10 million for regional trails
  - \$10.9 million for pilot programs for fare-free transit with urban and rural transit providers
  - \$10 million for a connected infrastructure redevelopment demonstration project in the City of Falls Church
  - Funds not allocated by June 1, 2022, will support additional pavement and bridge maintenance projects. Language provides that the GF appropriation shall be unallotted if additional federal funds are provided prior to June 30, 2021.
- Provides localities who have received funding through the Economic Development Access Program a 48-month moratorium before repayment would be required. VACo supported this budget language.

## **Reserves**

- Deposits \$900 million to the revenue reserve fund over the biennium.

## **Utility Assistance**

- Allows utility assistance program funds derived from the Coronavirus Relief Fund to be applied to a customer's account more than once. Also updates language regarding the Governor's ability to shift funds among Coronavirus Relief Fund allocations given the extension of time allowed to expend the funds.

## **Support for Planning District Commissions**

- Restores \$294,000 GF in FY 2022 in support for planning district commissions; this funding had been unallotted in April 2020.

## **Other Items of Interest**

- Establishes a Joint Subcommittee on Tax Policy, which is tasked with evaluating the fiscal impact of changes to the individual income tax system, as well as the fairness, certainty, neutrality, and economic efficiency of the Commonwealth's tax policies and making recommendations for any changes to the Code.
- Creates a public body procurement workgroup to review and study proposed changes to the Code of Virginia in areas of non-technology goods and services, technology goods and services, construction, transportation, and professional services procurements.
- Provides \$2 million GF in FY 2021 and \$76,000 GF in FY 2022 for state costs associated with legislation establishing a presumption that COVID-19 is a work-related disease for first responders under the Workers' Compensation Act ([HB 2207](#) and [SB 1375](#)) and legislation giving localities the option of adding EMS workers to the workers' compensation presumption for hypertension or heart disease ([HB 1818](#) and [SB 1275](#)).
- Establishes the Assistance for COVID-19 Trust Fund and requires that any new federal assistance provided to assist the Commonwealth with the revenue and economic impacts resulting from the pandemic be deposited to the Fund; bars any expenditure from the Fund that is not specifically appropriated in a general appropriation act.
- Provides \$1 million GF in FY 2022 for state and local law enforcement agencies to receive training on detection and enforcement of driving under the influence of drugs. Provides \$1 million GF in FY 2022 for evidence-based marijuana prevention and education programs and public health campaigns.



# Summary of Legislation Affecting Counties

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Unless otherwise stated, all legislation from the 2020 Special Session takes effect on March 1, 2021, and 2021 legislation takes effect on July 1, 2021.

## ECONOMIC DEVELOPMENT AND PLANNING

### PASSED LEGISLATION

**[HB 5064/ SB 5088](#) Virginia Residential Landlord & Tenant Act; landlord remedies, noncompliance with rental agreement.** Amends § 55.1-1245 of the Code of Virginia to change from five to 14 days the amount of time that landlords who own four or fewer rental dwelling units must wait after serving written notice on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid before the landlord may pursue remedies for termination of the rental agreement. The bill requires a landlord who owns more than four rental dwelling units, or more than a 10 percent interest in more than four rental dwelling units, before terminating a rental agreement due to nonpayment of rent, to serve upon such tenant a written notice informing the tenant of the total amount due and owed and offer the tenant a payment plan under which the tenant must pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement. The bill also outlines the remedies a landlord has if a tenant fails to pay the total amount due and owed or enter into a payment arrangement within 14 days of receiving notice or if the tenant enters into a payment

arrangement but fails to pay within 14 days of the due date any rent that becomes due under the payment plan or arrangement after such plan or arrangement becomes effective. The bill clarifies that a tenant is not precluded from participating in any other rent relief programs available to the tenant through a nonprofit organization or under the provisions of a federal, state, or local law, regulation, or action. The bill contains an emergency clause. The bill sunsets on July 1, 2021. (*Patrons: Price and Ebbin*) [2020 Special Session]

**[HB 5106](#) Landlord and tenant; noncompliance with rental agreement, reporting negative credit information.** Amends § 55.1-1245 of the Code of Virginia to provide that a landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units in the Commonwealth shall not take any adverse action against an applicant for tenancy based solely on payment history or an eviction for nonpayment of rent that occurred during the period beginning on March 12, 2020, and ending 30 days after the expiration or revocation of any state of emergency declared by the Governor related to the COVID-19 pandemic. If such a landlord denies an applicant for tenancy, the bill requires the landlord to provide the applicant written notice of the denial and of the applicant's right to assert that his failure to qualify was based upon payment history or an eviction based on nonpayment of rent that occurred during the proscribed period. If a landlord does receive a response from the applicant asserting such a right, and the landlord relied upon a consumer or tenant screening report, the landlord must make a good faith effort to contact the generator of the report to ascertain whether such determination was due solely to the applicant for tenancy's payment history or an eviction for nonpayment that occurred during the proscribed period. The bill permits a tenant or applicant for tenancy to recover

damages of up to \$1,000, along with attorney fees, from landlords who do not comply with these requirements. *(Patron: Cole, J.G.)* **[2020 Special Session]**

**HB 5115 Emergency laws; civil relief, citizens furloughed or otherwise receiving reduced wages or payments.**

Provides a 60-day stay of an unlawful detainer for nonpayment of rent for tenants and a 30-day stay of foreclosure proceedings for owners of any residential dwelling unit and for homeowners of a one-family to four-family residential dwelling unit who request a stay and provide written proof, defined in the bill, that they are affected by the COVID-19 pandemic during the period for which the Governor has declared a state of emergency (the Emergency). The bill requires owners of residential dwelling units and homeowners who rent to a tenant a one-family to four-family residential dwelling unit to request such stay of foreclosure proceedings within 90 days of the initial declaration of the Emergency or 90 days following the end of the Emergency, whichever is later. The bill provides for an expiration of the provisions 90 days following the end of the Emergency. *(Patron: Price)* **[2020 Special Session]**

**SB 5036 Alcoholic beverage control; local special events license, limitations on events, etc.**

Amends §§ 4.1-206 and 4.1-206.3 of the Code of Virginia to provide that no limitation on the number of special events that may be held by a local special events licensee shall be imposed during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity. Under current law, local special events licensees are limited to holding 16 special events per year. The bill contains an emergency clause. *(Patron: McPike)* **[2020 Special Session]**

**SB 5106 Local land use approvals; extension of approvals to address the COVID-19 pandemic.**

Adds § 15.2-2209.1:1 to the Code of Virginia to extend by two years (to July 1, 2022) any local land use approvals, including rezonings and special use permits, which were valid as of July 1, 2020. The measure became law four months after adjournment of the special session on March 1, 2021. This means that all land use approvals in Virginia that expired after July 1, 2020 were arbitrarily resurrected, potentially up to eight months after their expiration. VACo supports maintaining local authority to plan and regulate land use and opposed this proposal as it weakens these key local responsibilities. *(Patron: Lewis)* **[2020 Special Session]**

**HB 1778 Removal of clutter from property; definition, civil penalty.**

Amends § 15.2-901 of the Code of Virginia to provide that a locality may by ordinance require the removal of clutter from property, except on land zoned for or in active farming operation, or may, whenever the governing body deems it necessary, after reasonable notice, have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. The bill defines “clutter” as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property. *(Patron: Ward)*

**HB 1824 Virginia Residential Property Disclosure Act; required disclosures for buyer to beware, mold.**

Amends § 55.1-703 of the Code of Virginia to add to the provision of the required disclosure

statement directing a buyer to beware and exercise necessary due diligence with respect to determining the condition of real property or any improvements thereon a provision advising the buyer to obtain a mold assessment conducted by a business that follows the guidelines provided by the U.S. Environmental Protection Agency. *(Patron: Askew)*

**HB 1845 Alcoholic beverage control; license fee reform.**

Amends §§ 4.1-230 and 4.1-233.1 of the Code of Virginia and the third, fifth, and eighth enactments of Chapter 1113 of the Acts of Assembly of 2020 and the third, fifth, and eighth enactments of Chapter 1114 of the Acts of Assembly of 2020 to delay the effective date of the 2020 alcoholic beverage control license and fee reform from July 1, 2021, to January 1, 2022. During the period of delay and subject to certain requirements, the bill allows on-premises wine or beer licensees to sell wine or beer for off-premises consumption and allows such licensees, as well as off-premises wine or beer licensees, to deliver wine or beer that the licensee is authorized to sell without a delivery permit. The bill contains a technical amendment and an emergency clause. *(Patron: VanValkenburg)*

**HB 1849 Apprenticeship training programs; DOLI, DGS, et al., shall review availability of programs.**

Directs the Virginia Board of Workforce Development (the Board), the Department of Labor and Industry (DOLI), and the Department of General Services (DGS) to review the availability of registered apprenticeship programs in the Commonwealth and evaluate the capacity to build a program that would require contractors engaged in construction contracts with public bodies to participate in apprenticeship training programs for each trade or classification of employees engaged in the construction contract. The bill also requires the Board, DOLI, and DGS to evaluate whether a requirement to limit public procurements to bidders with registered apprenticeship programs would assist the construction

industry in meeting its workforce needs. The bill permits the Board, DOLI, and DGS to convene a stakeholder advisory group as part of its review. The bill requires the Board, DOLI, and DGS to complete its review and complete any advisory group meetings by September 1, 2021, and to submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations no later than December 1, 2021. *(Patron: Simonds)*

**HB 1876 Workforce development; expands type of data sharing.**

Amends § 2.2-435.8 of the Code of Virginia to expand the type of workforce development data that state agencies may share with the Virginia Workforce System to support workforce program evaluation and policy analysis. The bill removes the requirement that all personal identifying information be removed before being shared among other state agencies and with the Workforce Development System and instead requires the identifying attribute information necessary to match entities across programs, support the coordination of services, and evaluate outcomes to be shared among agencies that enter into the memorandum of understanding supporting the Virginia Workforce Data Trust. *(Patron: Subramanyam)*

**HB 1879 / SB 1299 Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine.**

Amends §§ 4.1-119, 4.1-204, 4.1-206.1, 4.1-206.3, 4.1-207, 4.1-210, 4.1-212.1, and 4.1-221 of the Code of Virginia to allow distillers that have been appointed as agents of the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority (the Authority), mixed beverage restaurant licensees, and limited mixed beverage restaurant licensees to sell mixed beverages for off-premises consumption and deliver such mixed beverages to consumers subject to requirements set forth in the bill. The bill allows the Board to summarily revoke a licensee's privileges to sell and deliver mixed beverages for off-premises

consumption for noncompliance with the requirements set forth in the bill or applicable provisions of current law. The bill also allows farm winery licensees to sell pre-mixed wine for off-premises consumption. The bill directs the Authority to convene a work group to study the sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption and report its findings to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2021. The provisions of this bill sunset on July 1, 2022. (*Patrons: Bulova and Bell*)

**HB 1881 Enterprise zone job creation grants; wage requirements.**

Amends § 59.1-547 of the Code of Virginia to provide that, for purposes of wage requirements for the enterprise zone job creation grant program, the minimum wage shall be the higher of the state minimum wage or the federal minimum wage. The bill also reduces the percentage of the minimum wage that grant eligible jobs must meet. The bill has a delayed effective date of January 1, 2022. (*Patron: Heretick*)

**HB 1889 Va. Residential Landlord and Tenant Act; landlord remedies, noncompliance with rental agreement.**

Amends the second enactment of Chapter 46 of the Acts of Assembly of 2020, Special Session I, to extend the sunset date from July 1, 2021, to July 1, 2022, of certain provisions enacted during the 2020 Special Session related to the Virginia Residential Landlord and Tenant Act. Such provisions (i) changed from five to 14 days the amount of time that a landlord who owns four or fewer rental dwelling units must wait after serving written notice on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid before the landlord may pursue remedies for termination of the rental agreement; (ii) required a landlord who owns more than four rental dwelling units, or more than a 10 percent interest in more than four rental dwelling

units, before terminating a rental agreement due to nonpayment of rent, to serve upon such tenant a written notice informing the tenant of the total amount due and owed and offer the tenant a payment plan under which the tenant must pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement; (iii) outlined the remedies a landlord has if a tenant fails to pay the total amount due and owed or enter into a payment arrangement within 14 days of receiving notice or if the tenant enters into a payment arrangement but fails to pay within 14 days of the due date any rent that becomes due under the payment plan or arrangement after such plan or arrangement becomes effective; and (iv) clarified that a tenant is not precluded from participating in any other rent relief programs available to the tenant through a nonprofit organization or under the provisions of a federal, state, or local law, regulation, or action. (*Patron: Price*)

**HB 1898 Zoning appeals, board of; appointments.**

Amends § 15.2-2308 of the Code of Virginia to provide an exception to the general rule that an elected official cannot be appointed to a board of zoning appeals by allowing an elected official from a town to serve on the board of zoning appeals of the county in which the member also resides. (*Patron: Roem*)

**HB 1900 / SB 1215 Virginia Residential Landlord and Tenant Act; tenant remedies for exclusion from dwelling unit.**

Adds § 55.1-1243.1 and repeals § 55.1-1243 of the Code of Virginia to provide that a general district court shall enter an order upon petition by a tenant that his landlord has (i) removed or excluded the tenant from the dwelling unit unlawfully, (ii) interrupted or caused the interruption of an essential service to the tenant, or (iii) taken action to make the premises unsafe for habitation. The bill allows entry of a preliminary order ex parte to require the landlord to allow the tenant to recover possession of the dwelling unit,



resume any such interrupted essential service, or fix any willful actions taken by the landlord or his agent to make the premises unsafe for habitation if there is good cause to do so and the tenant made reasonable efforts to notify the landlord of the hearing. The bill requires that any ex parte order entered shall further indicate a date for a full hearing on the petition that is no later than 10 days from the initial hearing date. Finally, the bill provides that, at a full hearing on such petition and upon proper evidence presented, the tenant shall recover actual damages, the greater of \$5,000 or four months' rent, and reasonable attorney fees. *(Patrons: Hudson and Ebbin)*

**[HB 1923 / SB 1334](#) Broadband capacity; expands existing pilot program, municipal broadband authorities.**

Amends § 56-585.1:9 of the Code of Virginia to expand an existing pilot program under which Dominion Energy and Appalachian Power are authorized to provide, or make available, broadband capacity to Internet service providers in areas of the Commonwealth that are unserved by broadband. This expansion now includes municipal Internet service providers, such as local broadband authorities. The current program is restricted to nongovernmental Internet service providers. VACo supported this legislation. *(Patrons: Ayala and Edwards)*

**[HB 1967](#) Virginia Jobs Investment Program and Fund; minimum wage requirements.**

Amends § 2.2-2240.3 of the Code of Virginia to adjust the minimum entry-level wage rate per hour a company is required to pay in order to be eligible for assistance under the Virginia Jobs Investment Program from at least 1.35 times the federal minimum wage to at least 1.2 times the federal minimum wage or the Virginia minimum wage, whichever is higher. *(Patron: Bagby)*

**[HB 1969](#) Administration of blighted and derelict properties; modifies definition of “qualifying locality.”**

Amends §§ 58.1-3221.6 and 58.1-3970.1 of

the Code of Virginia to modify the definition of “qualifying locality” to include any locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020. Under current law, a qualifying locality is one with a score of 107 or higher on the fiscal stress index, as published by the Department using revised data for 2017. Qualifying localities are able to (i) classify blighted and derelict properties as a separate class of taxable property and assess such property at a higher rate and (ii) sell delinquent tax lands 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 adds qualifying localities to the list of localities that have different requirements for having a special commissioner appointed to convey tax-delinquent real estate to the locality in lieu of a public sale at auction. *(Patron: Carr)*

**[HB 1971](#) Virginia Fair Housing Law; reasonable accommodations, disability-related requests for parking.**

Amends § 36-96.3:2 of the Code of Virginia to provide that for the purposes of the Virginia Fair Housing Law, when a person receives a request for accessible parking to accommodate a disability, the person receiving the request shall treat such request as a request for reasonable accommodation. *(Patron: Carr)*

**[HB 1981](#) Virginia Residential Landlord and Tenant Act; access to dwelling unit during certain emergencies.**

Amends § 55.1-1229 of the Code of Virginia to provide that a tenant shall be deemed to have reasonable justification for declining to permit a landlord or managing agent to exhibit the tenant's dwelling unit for sale or lease if the tenant has reasonable concern for his own health, or the health of any authorized occupant, during a state of emergency declared by the Governor in response to a communicable disease of public health threat and the tenant has provided written notice to the landlord informing the landlord of such

concern. The bill requires the tenant in such circumstances to provide to the landlord or managing agent a video tour of the dwelling unit or other acceptable substitute for exhibiting the dwelling unit for sale or lease. The bill also provides that during a state of emergency declared by the Governor in response to a communicable disease of public health threat a tenant may provide written notice to the landlord requesting that one or more nonemergency property conditions in the dwelling unit not be addressed in the normal course of business of the landlord due to such communicable disease of public health threat. The bill provides that in such case the tenant shall be deemed to have waived any and all claims and rights under the Virginia Residential Landlord and Tenant Act against the landlord for failure to address such nonemergency property conditions. Lastly, the bill provides that in the case of a tenant who has provided notice that he does not want nonemergency repairs made during the state of emergency due to a communicable disease of public health threat, the landlord may nonetheless enter the dwelling unit, provided that the employees and agents sent by the landlord are wearing all appropriate and reasonable personal protective equipment as required by state law, (i) to do nonemergency repairs and maintenance with at least seven days' written notice to the tenant and at a time consented to by the tenant, no more than once every six months, and (ii) if the landlord is required to conduct maintenance or an inspection pursuant to the agreement for the loan or insurance policy that covers the dwelling units. *(Patron: Carr)*

**HB 2014 Virginia Residential Landlord and Tenant Act; landlord's acceptance of rent with reservation.**

Amends §§ 36-139 and 55.1-1250 of the Code of Virginia to prohibit a landlord from accepting full payment of rent, as well as any damages, money judgment, award of attorney fees, and court costs, from a tenant and receiving an order of possession pursuant to an unlawful detainer action and proceeding with

eviction, unless there are bases for the entry of an order of possession other than nonpayment of rent stated in the unlawful detainer action filed by the landlord. Under current law, a landlord may accept full or partial payment of all rent and receive an order of possession pursuant to an unlawful detainer action and proceed with eviction, provided that he has stated in a written notice to the tenant that any and all amounts owed to the landlord by the tenant, including payment of any rent, damages, money judgment, award of attorney fees, and court costs, would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. The bill provides specific language that must be included within such notice, and requires a landlord who elects to seek possession of the dwelling unit to provide a copy of the notice to the court for service to the tenant along with the summons for unlawful detainer. The bill also allows tenants to exercise the right of redemption in unlawful detainer actions an unlimited number of times except that a landlord with four or fewer rental dwelling units, or up to a 10 percent interest in four or fewer rental dwelling units, may limit a tenant's use of the right of redemption to once per lease period, provided that the landlord provides written notice of such limitation to the tenant. Under current law, tenants may only exercise the right of redemption once during any 12-month period of continuous residency in the dwelling unit, regardless of the term of the rental agreement or any renewal term of the rental agreement. The bill directs the Director of the Department of Housing and Community Development (Director) to develop a sample termination notice to be maintained on the Department of Housing and Community Development's (Department) website that includes language referencing acceptance of rent with reservation by a landlord following a breach of a lease by a tenant, and requires the Department to convene a stakeholder group to provide input to the Director regarding the development of such sample termination notice. *(Patron: Price)*

**HB 2046 Virginia Fair Housing Law; unlawful discriminatory housing practices.**

Amends §§ 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, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, military status, or disability; (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; or (iii) by prohibiting or imposing conditions upon the rental or sale of dwelling units, provided that the provisions of this subsection shall not be construed to prohibit ordinances related to short-term rentals. The bill provides that it shall not be a violation of the Virginia Fair Housing Law if land use decisions or decisions relating to the permitting of housing developments are based upon considerations of limiting high concentrations of affordable housing. 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 2053 Affordable and market-rate housing; DHCD to evaluate growing demand.**

Directs the Department of Housing and Community Development (the Department) to convene a stakeholder advisory group to evaluate the construction of internal, attached, and detached accessory dwelling units as a strategy to address the Commonwealth's growing demand for affordable and market-rate housing. The bill requires the stakeholder advisory group to report its findings, including any legislative recommendations, to the

Director of the Department, the Secretary of Commerce and Trade, the commissioners of the Virginia Housing Development Authority, and the Virginia Housing Commission no later than November 1, 2021, and allows a possible extension but to no later than November 1, 2022. *(Patron: Samirah)*

**HB 2054 Comprehensive plan; provision for transit-oriented development.**

Amends § 15.2-2223.4 of the Code of Virginia, to add reducing, modifying, or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities consider incorporating strategies to promote transit-oriented development in reviews of their comprehensive plans. The bill removes from the existing strategy of increasing development density in certain areas to reduce density in others the phrase "to reduce density in others." *(Patron: Samirah)*

**HB 2072 Virginia Good Neighbor Next Door Program; VHDA shall report recommendations for creating Program.**

Requires the Virginia Housing Development Authority to report to the Governor, the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology, and the Virginia Housing Commission no later than July 1, 2022, on recommendations for the creation of a Virginia Good Neighbor Next Door program, similar to the Good Neighbor Next Door program administered by the U.S. Department of Housing and Urban Development, to provide financial incentives for law-enforcement officers, firefighters, emergency medical services personnel, and teachers to purchase homes within designated revitalization areas in the localities in which they are employed. *(Patron: Convirs-Fowler)*

**HB 2101 GO Virginia Grants; matching funds, extends sunset provision.**

Amends the second enactment of Chapter 525 of the Acts of Assembly of 2020 to delay from July 1, 2021, to July 1, 2022, the sunset of the provision of the Code of Virginia allowing a

locality to use grant funds awarded by the Tobacco Region Revitalization Commission as matching funds for GO Virginia grants. (*Patron: Wampler*)

**[HB 2131](#) Alcoholic beverage control; license application, locality input.**

Amends §§ 4.1-230 and 15.2-907 of the Code of Virginia to add the chief administrative officer of a locality to the list of persons who may be sent notice of certain license applications by the Board of Directors of the Virginia Alcoholic Beverage Control Authority. The bill also expands the definition of “criminal blight” for which the locality may require a property owner to take corrective action to include a condition existing on real property that endangers public health or safety and is caused by (i) the regular presence on the property of persons in possession of controlled substances and (ii) the discharge of a firearm under certain conditions. (*Patron: Lopez*)

**[HB 2170](#) Virginia Small Business Financing Authority; risk-based review of outstanding loans.**

Adds § 2.2-2312.1 to the Code of Virginia to require the Virginia Small Business Financing Authority to conduct a risk-based review of all outstanding loans at least annually and report the results of such review to the Board of Directors of the Authority. This bill is a recommendation of the Joint Legislative Audit and Review Commission. (*Patron: Mundon King*)

**[HB 2171](#) Virginia Small Business Financing Authority; utilization or award of loan and grant program funds.**

Amends § 2.2-2312 of the Code of Virginia to require the Virginia Small Business Financing Authority to include in its annual report information regarding the percentage of loan and grant program funds utilized or awarded by the Authority during the preceding fiscal year. This bill is a recommendation of the Joint Legislative Audit and Review Commission. (*Patron: Mundon King*)

**[HB 2172](#) Small, women-owned, and minority-owned businesses; right to appeal denial of initial certification.**

Amends § 2.2-1606 of the Code of Virginia to require the Department of Small Business and Supplier Diversity to adopt regulations to establish a process for businesses that are denied initial certification as a small, women-owned, or minority-owned business to appeal such denial on the basis that the Department made a mistake in denying the business’s application for certification. This bill is a recommendation of the Joint Legislative Audit and Review Commission. (*Patron: Mundon King*)

**[HB 2175](#) / [SB 1327](#) Homeowners and tenants of manufactured home parks; housing protections, foreclosures, etc.**

Amends §§ 8.01-463, 36-139, 55.1-320, 55.1-321, and 55.1-1303 of the Code of Virginia and adds § 15.2-2223.5 to provide for various protections for homeowners and tenants of manufactured home parks, including (i) restricting the circumstances under which a court may order a person’s primary residence to be sold to enforce a judgment lien; (ii) requiring localities to incorporate into their comprehensive plans strategies to promote manufactured housing as a source of affordable housing; (iii) requiring the Director 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 Manufactured Home Lot Rental Act; (iv) in the case of a deed of trust conveying owner-occupied residential real estate, prohibiting a trustee of such deed of trust from selling such property in a foreclosure sale without receiving an affidavit signed by the party that provided notice of the sale to the owner confirming that such notice was sent to the owner, with a copy of such notice attached to the affidavit; (v) in the case of a deed of trust conveying owner-occupied residential real estate, increasing the notice period for a foreclosure sale from 14 to 60 days and requiring such notice to provide



the grantor with information regarding housing counseling; and (vi) requiring the landlord of a manufactured home park to provide tenants who own their manufactured home information about housing assistance and legal aid organizations. The bill also requires the Department of Housing and Community Development to convene a stakeholder group to assist in the development of the statement of tenant rights and responsibilities. The provisions of the bill related to the specifics of the notice that is required before a trustee can sell a property in a foreclosure sale have a delayed effective date of October 1, 2021. *(Patrons: Torian and McClellan)*

**[HB 2229](#) Virginia Residential Landlord and Tenant Act; responsibilities of real estate brokers, etc.**

Amends §§ 54.1-2108.1 and 55.1-1237 of the Code of Virginia to provide that if a dwelling unit used as a single-family residence is foreclosed upon and there is a tenant in such dwelling unit on the date of the foreclosure sale, if the successor in interest acquires the dwelling unit for the purpose of occupying such unit as his primary residence, the rental agreement terminates and the tenant is required to vacate the dwelling unit on a date not less than 90 days after receiving written notice. The bill also provides that if the successor in interest acquires the dwelling unit for any other purpose, the successor in interest acquires the dwelling unit subject to the rental agreement and is required to permit the tenant to occupy the dwelling unit for the remaining term of the lease. Under current law, the foreclosure sale acts as a termination of the rental agreement by the owner, but the tenant is permitted to remain in possession of the dwelling unit as a month-to-month tenant on the terms of the terminated rental agreement until the successor owner gives a notice of termination of the month-to-month tenancy. The bill contains technical amendments. *(Patron: Simon)*

**[HB 2249](#) Virginia Residential Landlord and Tenant Act; landlord charges for security deposits.**

Amends §§ 17.1-275, 55.1-1200, 55.1-1204, 55.1-1206, 55.1-1208, 55.1-1211, 55.1-1226, 64.2-2008, and 64.2-2012 of the Code of Virginia to prohibit a landlord from requiring a tenant to pay a security deposit, insurance premiums for damage insurance, and insurance premiums for renter's insurance prior to the commencement of the tenancy that exceed the amount of two months' periodic rent. The bill permits a landlord, however, to add a monthly amount as additional rent to recover additional costs of such renter's insurance premiums. Finally, the bill requires nonresident property owners to file the name and office address of the agent appointed by such nonresident property owner in the office of the clerk of the State Corporation Commission. Under current law, such information must be filed in the office of the clerk of the court in which deeds are recorded in the county or city in which the property lies. *(Patron: McQuinn)*

**[HB 2266](#) / [SB 1471](#) Alcoholic beverage control; designated outdoor refreshment area license.**

Amends §§ 4.1-206, 4.1-206.3, 4.1-231, 4.1-231.1, 4.1-233, 4.1-233.1, and 4.1-308 of the Code of Virginia to rename the "local special events" license as the "designated outdoor refreshment area" license. The bill allows the Board of Directors of the Virginia Alcoholic Beverage Control Authority to increase the frequency and duration of events held under such license after adoption of an ordinance by a locality requesting such increase in frequency and duration. Under current law, localities are limited to holding 16 events per year under such license, with each event lasting no more than three consecutive days, except during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity. The

bill also increases the state and local license fees for designated outdoor refreshment area licenses issued pursuant to a local ordinance. *(Patrons: Ayala and Dunnivant)*

**[HB 2304 / SB 1413](#) Phase I or Phase II electric utilities; provision of broadband capacity.**

Amends § 56-585.1:9 of the Code of Virginia to make permanent the pilot program under which a Phase I or Phase II electric utility is permitted to petition the State Corporation Commission to provide broadband capacity to unserved areas of the Commonwealth. The bill expands the program to allow for the participation of municipalities and government-owned broadband authorities. The bill provides that investor-owned electric utilities may recover costs of and revenue generated from providing broadband capacity that serves as an electric grid transformation project in areas unserved by broadband, as defined in the bill. The bill also consolidates the State Corporation Commission petition approval process into one hearing. VACo supported this measure. *(Patrons: Tyler and Boysko)*

**[HB 2320 / SB 1389](#) Real property; required disclosures for buyer to exercise due diligence, flood risk report.**

Amends § 55.1-703 of the Code of Virginia and adds § 55.1-708.2 to require the Real Estate Board to make available on its website a flood risk information form, the details of which are outlined in the bill. The bill also provides that an owner of residential real property located in the Commonwealth who has actual knowledge that the dwelling unit is a repetitive risk loss structure, as defined in the bill, shall disclose such fact to the purchaser on a form provided by the Real Estate Board on its website. The bill has a delayed effective date of January 1, 2022. *(Patrons: Convors-Fowler and Lewis)*

**[SB 1298](#) Tourism improvement districts; authorizes any locality to create.**

Adds §§ 15.2-2413.1 through 15.2-2413.11 to the Code of Virginia to authorize any locality

to create a local tourism improvement district plan, consisting of fees charged to businesses and used to fund tourism promotion activities and capital improvements. Under the bill, the locality is authorized to contract with a nonprofit entity to administer the activities and improvements. *(Patron: Bell)*

**[SB 1418](#) Commonwealth's Development Opportunity Fund; grants, waiver or reduction of capital investment.**

Amends § 2.2-115 of the Code of Virginia to amend the economic development incentive program known as the [Commonwealth's Development Opportunity Fund](#) (CDOF) by allowing "new teleworking jobs" to qualify towards the minimum job creation requirements in order to receive a cash grant to offset a qualifying project's related costs, such as site acquisition and development, transportation access, utility extension or capacity development, construction or build-out of buildings, or training. CDOF grants are awarded to local governments on the behalf of the company. For a company to receive a grant award it must enter into performance agreement with the locality. To qualify the new job must be "... held by a Virginia resident, for which the majority of the work is performed remotely, and that pays at least 1.2 times the Virginia minimum wage, as provided by the [Virginia Minimum Wage Act](#)." VACo supported this measure. *(Patron: McPike)*

## **FAILED LEGISLATION**

**[HB 1844](#) Zoning; special exceptions.**

Grants governing bodies the same authority as boards of zoning appeals with regard to imposition of certain conditions upon permits for special exceptions, including limiting the duration of a permit. *(Patron: Mullin)*

**[HB 1917](#) Local planning and zoning; publication of certain notices on locality's website.**

Provides that in any instance in which a locality is required to publish certain notices related

to local planning and zoning in a newspaper having general circulation in the locality, the locality may instead choose to meet such requirement by publishing the notice on the locality's website. *(Patron: Mugler)*

**HB 2052 Land banks; right of first refusal for tax delinquent parcels.**

Requires localities that have established a land bank to establish a procedure whereby the land bank shall have a right of first refusal for tax delinquent parcels prior to such property being sold at auction. The price for any such purchase by the land bank shall be \$1 and any court and transaction expenses. If a land bank exercises its right of first refusal to purchase a property from the locality and, in the judgment of the locality, fails to begin rehabilitation of the property or fails to take other action to cause reuse of the property within one year, such as transferring the property to a nonprofit entity, ownership of the property shall revert back to the locality. These provisions may be utilized for any parcel with a value that does not exceed 80 percent of the median value of parcels in the locality. *(Patron: Samirah)*

**HB 2074 Environmental justice; local comprehensive plans.**

Requires each local government adopting or reviewing a comprehensive plan to consider identifying certain environmental justice communities, objectives, and policies. *(Patron: Simonds)*

**SB 1249 Local planning commissions; review deadlines.**

Adds rezoning or generalized development plans, special use permits, and special exception applications to various review deadlines and requirements for local planning commissions. *(Patron: Stuart)*

# EDUCATION

## **PASSED LEGISLATION**

### **Student Health and Safety**

#### **HB 5113 School boards, certain; student meals, participation in the Community Eligibility Provision.**

Adds § 22.1-207.4:1 to the Code of Virginia to require each school board that governs a local school division that contains any public elementary or secondary school that is eligible to participate in the Community Eligibility Provision (CEP) administered by the U.S. Department of Agriculture Food and Nutrition Service (FNS) to apply to FNS to participate in CEP for each such school. The bill provides that the Superintendent for Public Instruction shall issue a waiver to this requirement upon determination that participation in CEP is not financially viable for a school or group of schools. The Department of Education shall develop a process and criteria for evaluating such waiver requests. (*Patron: Roem*) **[2020 Special Session]**

#### **SB 5083 School boards; board required to post on its website the COVID-19 virus mitigation plan.**

Requires each school board to post in a publicly accessible and conspicuous location on its website the plan outlining its strategies for mitigating the spread and public health risk of the COVID-19 virus, consistent with the Centers for Disease Control and Prevention and Virginia Department of Health mitigation recommendations, that the school board is required to submit to the Department of Education before reopening schools in accordance with Phase II and III guidelines pursuant to the June 8, 2020, order of the State Health Commissioner. The bill contains an emergency clause. (*Patrons: McClellan and Hashmi*) **[2020 Special Session]**

#### **HB 1790 / SB 1132 Public schools; severe weather conditions and other emergency situations.**

Amends and reenacts § 22.1-98 of the Code of Virginia to provide that when severe weather conditions or other emergency situations have resulted in the closing of any school in a school division for in-person instruction, the school division may declare an unscheduled remote learning day whereby the school provides instruction and student services, consistent with guidelines established by the Department of Education to ensure the equitable provision of such services, without a reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. The bill prohibits any school division from claiming more than 10 unscheduled remote learning days in a school year unless the Superintendent of Public Instruction grants an extension. (*Patrons: McNamara and Suetterlein*)

#### **HB 1823 Public schools, child day programs, and certain other programs; carbon monoxide detectors required.**

Amends Article 8 of Chapter 14.1 of Title 22.1 of the Code of Virginia to require each building that was built before 2015 and that houses any public school classroom for students, licensed child day program, or other program that serves preschool-age children to be equipped with at least one carbon monoxide detector. (*Patron: Askew*)

#### **HB 1909 School board building or property, certain; establishment of gun-free zone permitted.**

Amends the Code of Virginia by adding a section numbered 22.1-131.1 to permit any school board to deem any non-school zone building or property that it owns or leases where employees of such school board are regularly present for the purpose of performing their official duties as a gun-free zone and prohibit any individual from knowingly possessing, purchasing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property, except



certain individuals such as law-enforcement officers and qualified retired law-enforcement officers. *(Patron: Subramanyam)*

**HB 1998 Public schools; lock-down drills, annual requirement.**

Amends and reenacts § 22.1-137.2 of the Code of Virginia to reduce from three to two the minimum number of mandatory annual lock-down drills in each public elementary and secondary school in the Commonwealth. *(Patron: Murphy)*

**HB 2013 School boards; board policy for students unable to pay for a meal at school.**

Amends and reenacts § 22.1-79.7 of the Code of Virginia to require each school board to adopt a policy that prohibits the board from filing a lawsuit against a student or the student's parent because the student cannot pay for a meal at school or owes a school meal debt. *(Patron: Roem)*

**HB 2019 Public elementary and secondary schools; administration of undesignated stock albuterol inhalers.**

Amends and reenacts §§ 8.01-225, 22.1-274.2, and 54.1-3408 of the Code of Virginia to require each local school board to adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers and valved holding chambers in every public school in the local school division, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers for any student believed in good faith to be in need of such medication. The bill requires the Department of Education, in conjunction with the Department of Health, to develop and implement policies for the administration of stock albuterol in public schools. The bill has a delayed effective date of January 1, 2022. *(Patron: McQuinn)*

**HB 2135 School boards, certain; participation in the Afterschool Meal Program.**

Amends the Code of Virginia by adding a section numbered 22.1-207.4:2 to require each school board that governs a local school division that has a student population that qualifies for free and reduced-price meals at a minimum percentage of 50 percent in the prior school year and simultaneously offers educational or enrichment activities and is consequently eligible to participate in the Afterschool Meal Program administered by the U.S. Department of Agriculture Food and Nutrition Service (FNS) Child and Adult Care Food Program to apply to the Department of Education to participate in the Afterschool Meal Program for each such school to subsequently and simultaneously serve federally reimbursable meals and offer an afterschool education or enrichment program, pursuant to FNS guidelines and state health and safety standards. The bill requires the Department of Education to administer the Afterschool Meal Program on behalf of the U.S. Department of Agriculture. The bill provides that the Superintendent of Public Instruction shall issue a waiver to this requirement upon determination that participation is not financially viable for a school or group of schools. The bill requires the Department of Education to develop a process and criteria for evaluating such waivers. The bill has a delayed effective date of July 1, 2022. *(Patron: Roem)*

**Licensure and Administration**

**HB 1776 Teachers; temporary extension of certain licenses by Board of Education.**

Requires the Board of Education to grant a two-year extension of the license of any individual licensed by the Board whose license expires on June 30, 2021, in order to provide the individual with sufficient additional time to complete the requirements for licensure. *(Patron: Ward)*

**[HB 1827](#) Education, Board of; geographic representation of members.**

Amends and reenacts § 22.1-9 of the Code of Virginia to require the nine-member Board of Education to include at least five members, appointed by the Governor, who each reside in different superintendent's regions in the Commonwealth. (*Patron: Austin*)

**[HB 1904](#) / [SB 1196](#) Teachers and other licensed school board employees; cultural competency training.**

Amends and reenacts §§ 22.1-253.13:5 and 22.1-298.1 of the Code of Virginia to require teacher, principal, and division superintendent evaluations to include an evaluation of cultural competency. The bill requires every person seeking initial licensure or renewal of a license from the Board of Education (i) to complete instruction or training in cultural competency and (ii) with an endorsement in history and social sciences to complete instruction in African American history, as prescribed by the Board. The bill also requires each school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years. (*Patrons: Jenkins and Locke*)

**[HB 1940](#) / [SB 1439](#) Students; guidelines on excused student absences, civic engagement.**

Amends and reenacts § 22.1-254 of the Code of Virginia to provide that, subject to guidelines established by the Department of Education, each school board (i) shall permit one school day-long excused absence per school year for any middle school or high school student in the local school division who is absent from school to engage in a civic event and (ii) may permit additional excused absences for such students who are absent for such purposes. The bill also provides that local school boards may require that the student provide advance notice of the intended absence and require that the student provide documentation of participation in a civic event. (*Patrons: Rasoul and McClellan*)

**[HB 2091](#) / [SB 1267](#) Covington, City of; amending charter, consolidated school division, salaries.**

Amends and reenacts §§ 2.02, 5.021, and 6.02, § 12.01, as amended, and § 15.03 of Chapter 227, as amended, of the Acts of Assembly of 1954, and amends and reenacts § 22.1-32 of the Code of Virginia, to amend the charter for the City of Covington to help facilitate the consolidation of the school divisions of the City of Covington and Alleghany County. The bill sets out the salary of a school board member of such consolidated school district and shall become effective on July 1, 2022, provided that the consolidation of the City of Covington and Alleghany County school divisions is approved by the Board of Education prior to that date. VACo supported this legislation. (*Patrons: Austin and Deeds*)

**[HB 2105](#) Early childhood education; quality rating and improvement system participation.**

Amends and reenacts § 2.2-208.1 of the Code of Virginia and amends and reenacts the second and eleventh enactments of Chapter 860 and the second and eleventh enactments of Chapter 861 of the Acts of Assembly of 2020 to delay until the 2022–2023 school year the requirement for all publicly funded early childhood education providers to participate in a quality rating and improvement system to be established by the Board of Education by July 1, 2021. The bill also delays from the fall of 2023 to the fall of 2024 the publication of initial quality ratings for such providers. The bill reinstates the School Readiness Committee and alters the composition and scope of the work of the School Readiness Committee. (*Patron: Bulova*)

**[HB 2176](#) School board policies; abusive work environments, definitions.**

Amends and reenacts § 22.1-291.4 of the Code of Virginia to define, for the purposes of mandatory school board policies relating to abusive work environments, the terms “abusive conduct,” “abusive work environment,” “physical harm,” and “psychological harm.” The bill clarifies that the requirement to adopt

such policies shall not be construed to limit a school board's authority to adopt policies to prohibit any other type of workplace conduct as the school board deems necessary. *(Patron: Torian)*

**[HB 2182](#) Traumatic brain injury; Board of Education to amend regulatory definition.**

Requires the Board of Education to amend its regulatory definition of "traumatic brain injury," for the purpose of the provision of special education for children with disabilities, to include an acquired injury to the brain caused by a medical condition, including stroke, anoxia, infectious disease, aneurysm, brain tumors, and neurological insults resulting from medical or surgical treatments. The current regulatory definition of "traumatic brain injury" includes only an acquired brain injury caused by an external physical force. *(Patron: Wilt)*

**[HB 2323](#) Library aid; former regional library system.**

Amends and reenacts § 15.2-4116 of the Code of Virginia to provide that former regional library systems that receive state aid, notwithstanding a loss of regional library status due to a city reversion, shall receive such aid regardless of when a former city reverted to town status. *(Patron: Edmunds)*

**[SB 1190](#) Health Standards of Learning; advanced directive education for high school students.**

Directs the Board of Education to include advanced directive education in its curriculum framework for the Health Standards of Learning for high school students. *(Patron: Kiggans)*

**[SB 1225](#) Broadband services; school boards to appropriate funds for expansion of services for education.**

Amends the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-986 and by adding a section numbered 22.1-79.9 to authorize school boards to appropriate funds for the purposes of promoting, facilitating, and encouraging

the expansion and operation of broadband services for educational purposes. The bill authorizes school boards to partner with private broadband service providers to promote, implement, and subsidize broadband for educational purposes to the households of students who would qualify for (i) a child nutrition program or (ii) any other program recognized or adopted by the local school board as a measuring standard to identify at-risk students. *(Patron: Boysko)*

**[SB 1257](#) SOQ; school board to provide at least three specialized student support positions.**

Amends and reenacts §§ 22.1-253.13:2 and 22.1-274 of the Code of Virginia to modify a school personnel requirement in Standard 2 of the Standards of Quality to require each school board to provide at least three specialized student support positions, including school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, per 1,000 students. *(Patron: McClellan)*

**[SB 1303](#) Local school divisions; availability of virtual and in-person learning to all students.**

Requires each school board to offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill contains certain exceptions to the abovementioned requirement. The bill requires each school board to provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies for early childhood care and education programs and elementary and secondary schools to reduce the transmission of COVID-19 that have been

provided by the federal Centers for Disease Control and Prevention. The bill requires the Department of Education to establish benchmarks for successful virtual learning and guidelines for providing interventions to students who fail to meet such benchmarks and for transitioning such students back to in-person instruction. The bill also requires all teachers and school staff to be offered access to receive an approved COVID-19 vaccination through their relevant local health district. The bill has an expiration date of August 1, 2022. *(Patron: Dunnavant)*

**SB 1322 Public schools; seizure management and action plans, biennial training, effective date.**

Amends and reenacts § 8.01-225 of the Code of Virginia and amends the Code of Virginia by adding a section numbered 22.1-274.6 to provide for the submission and utilization of seizure management and action plans for students with a diagnosed seizure disorder. The bill requires each such seizure management and action plan to state that such plan is separate from any individualized education program (IEP) or Section 504 Plan that is in place for the student and nothing in such plan shall be construed to abrogate any provision of any IEP or Section 504 Plan that is in place for the student. The bill requires that school nurses and certain school division employees biennially complete Board of Education-approved training in the treatment of students with seizure disorders. The bill provides immunity from civil liability for acts or omissions related to providing for the care of a student under a seizure management and action plan. The bill has a delayed effective date of July 1, 2022. *(Patron: DeSteph)*

**Instruction**

**HB 1865 Kindergarten through grade 3; reading intervention services for certain students.**

Amends and reenacts § 22.1-253.13:1 of the Code of Virginia to require reading intervention services for students in kindergarten through

grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education to be evidence-based, including services that are grounded in the science of reading, and include explicit, systematic, sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension as appropriate based on the student's demonstrated reading deficiencies. The bill requires parental notification and continued monitoring of services. *(Patron: Delaney)*

**HB 1885 Computer science standards, etc., in public schools; DOE to perform comprehensive review, report.**

Requires the Department of Education to perform a comprehensive review of the ongoing implementation of mandatory computer science standards in elementary schools and middle schools and the alignment of middle school and high school computer science courses and course pathways, among other provisions. The bill also requires the Department of Education to prepare a report on its comprehensive review and provide such report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, the Secretary of Education, and the Superintendent of Public Instruction no later than November 1, 2021. *(Patron: Simonds)*

**HB 1905 Economic education and financial literacy required in middle and high school grades; employment.**

Amends and reenacts § 22.1-200.03 of the Code of Virginia to add to objectives developed and approved by the Board of Education for economics education and financial literacy at the middle and high school levels the implications of various employment arrangements with regard to benefits, protections, and long-term financial sustainability. Employment arrangements is defined in the bill as full-time employment,



part-time employment, independent contract work, gig work, piece work, contingent work, day labor work, freelance work, and 1099 work. (*Patron: Cole, J.G.*)

**[HB 1918 / SB 1169](#) Student driver safety; driver education program shall include dangers of speeding.**

Amends and reenacts § 22.1-205 of the Code of Virginia to require (i) driver education programs to include instruction on the dangers of distracted driving and speeding and (ii) a student to submit a standard application form developed by the Department of Education by which the student provides evidence that he possesses a valid driver's license or driver privilege card before being issued a pass to park a vehicle on high school property. (*Patrons: Mugler and Norment*)

**[HB 2027 / SB 1357](#) Standards of Learning; reading & mathematics assessments for students in grades three through eight.**

Amends and reenacts § 22.1-253.13:3 of the Code of Virginia to require the Board of Education to establish, in lieu of a one-time end-of-year assessment and for the purpose of providing measures of individual student growth over the course of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the administration of reading and mathematics assessments in grades three through eight, among other provisions. The bill requires full implementation of such system no later than the 2022–2023 school year and partial implementation during the 2021–2022 school year consisting of one beginning-of-year assessment and one end-of-year assessment. (*Patrons: Coyner and Dunnivant*)

**[HB 2119](#) Student driver education program; parent/student component exemption.**

Amends and reenacts § 22.1-205 of the Code of Virginia to exempt students who are (i) at least 18 years old, (ii) emancipated minors, or (iii) unaccompanied minors who are not in the physical custody of their parent or guardian from the requirement to participate in the

parent/student component of a school's driver education program. (*Patron: Keam*)

## **Special Education**

**[HB 2238](#) Licensed private schools for students with disabilities; accreditation.**

Amends and reenacts § 22.1-323 of the Code of Virginia to direct the Board of Education to require, pursuant to regulation, any private school for students with disabilities that is licensed by the Board, as a condition for renewal of its initial license to operate, to obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education within three years of the issuance of its initial triennial license by the Board. The bill provides that, notwithstanding the foregoing requirement, any private school for students with disabilities that is licensed to operate by the Board as of July 1, 2021, shall obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education no later than July 1, 2024. (*Patron: Kory*)

**[HB 2299 / SB 1288](#) Special education; Department of and the Board of Education to develop new policies and procedures.**

Amends and reenacts §§ 22.1-214, 22.1-215, 22.1-253.13:4, and 22.1-298.1 of the Code of Virginia and amends the Code of Virginia by adding a section numbered 22.1-214.4 to require the Department of Education and the Board of Education to develop new policies and procedures and effect numerous modifications to existing policies and procedures to improve the administration and oversight of special education in the Commonwealth. (*Patrons: Carr and Dunnivant*)

**[HB 2314](#) Special education; Bd. of Education to amend certain regulation.**

Requires the Board of Education to amend a certain regulation relating to special education to remove the word "component" following the word "evaluation," thereby ensuring compliance with the relevant federal regulation and clarifying that the parent of a child with

a disability has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local educational agency. *(Patron: Mugler)*

**HB 2316 Students w/disabilities; Dept./Bd. of Education to update its special education & related services.**

Requires the Department of Education to update its special education eligibility worksheets as necessary, including clarifying any ambiguity or vagueness in eligibility criteria, and provide to each local school division the appropriate level of guidance on eligibility determinations for special education and related services. The bill requires the Board of Education to amend its regulations to ensure that each education preparation program graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the individualized education program (IEP) team. *(Patron: Mundon King)*

## **Workforce Development**

**HB 2058 Virginia STEM Education Advisory Board; established, report.**

Amends the Code of Virginia by adding in Title 22.1 a chapter numbered 26 to create the Virginia Science, Technology, Engineering, and Mathematics (STEM) Advisory Board to create a unified vision regarding STEM education initiatives, language, and measures of success to promote a culture of collaboration for STEM programming in the Commonwealth. The Board shall develop the infrastructure for creating STEM Regional Hubs and naming STEM Champions in communities across the Commonwealth. Additionally, the Board shall report annually to the Governor and the General Assembly on STEM challenges, goals, and successes across the Commonwealth. *(Patrons: Simonds)*

**HB 2204 / SB 1405 Get Skilled, Get a Job, Give Back (G3) Fund and Program; established.**

Amends the Code of Virginia by adding a section numbered 23.1-2911.2 to establish the Get Skilled, Get a Job, Give Back (G3) Fund and requires the Virginia Community College System to establish the G3 Program for the purpose of providing financial assistance from the Fund to certain low-income and middle-income Virginia students who are enrolled in an educational program at an associate-degree-granting public institution of higher education that leads to an occupation in a high-demand field. The bill contains provisions for student eligibility, financial assistance award amounts, and data reporting. VACo supported this legislation. *(Patrons: Filler-Corn and Saslaw)*

**SB 1314 Education and Labor Market Alignment, Office of; established.**

Amends and reenacts § 2.2-2238 of the Code of Virginia to direct the Virginia Economic Development Partnership Authority to establish an Office of Education and Labor Market Alignment (the Office) to coordinate data analysis on workforce and higher education alignment and translate data to partners. The Office shall provide a unified, consistent source of information or analysis for policy development and implementation related to talent development and shall partner with the State Council of Higher Education for Virginia, institutions of higher education, the Virginia Department of Education, the Virginia Employment Commission, GO Virginia, and other relevant entities to offer resources and expertise related to education and labor market alignment. *(Patron: Hashmi)*

## **Failed Legislation**

**HB 1924 Required local effort for basic aid; debt service on projects in certain school divisions, sunset.**

Permits any local school board that governs a school division (i) in which the locality is designated as fiscally at-risk or fiscally

distressed by the Appalachian Regional Commission in the most recent fiscal year or is determined to have above-average fiscal stress or high fiscal stress by the Virginia Commission on Local Government in its most recent “Report on Comparative Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia Counties and Cities” and (ii) 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. The bill provides that in the event that the school division no longer meets such criteria, the local school board shall develop and implement a plan to readjust expenditures of the required local effort for basic aid over the course of no more than four fiscal years. The bill also provides that in the event that a school division that no longer met such criteria subsequently meets the criteria again after developing a plan, the local school board may seek the approval of the Superintendent of Public Instruction to amend such plan. The bill has an expiration date of July 1, 2033. *(Patron: Kilgore)*

**HB 2093 School Construction Fund and Program; created and established.**

Establishes the School Construction Fund as a special nonreverting fund in the state treasury and requires the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities. VACo supported this legislation *(Patron: O’Quinn)*

**HB 2247 Education, Board of; conditions and considerations on school division boundaries.**

Removes several conditions on the Board of Education’s constitutional duty to determine school division boundaries and requires the

Board, in fulfilling such duty, to consider equity in educational programs within and between school divisions. *(Patron: Aird)*

**SB 1106 Public School Assistance Fund and Program; created.**

Creates the Public School Assistance Fund and Program, to be administered by the Department of Education, for the purpose of providing grants to school boards to be used for the purposes of repairing or replacing the heating, ventilation, air conditioning, electrical, or plumbing systems or the roofs of public elementary and secondary school buildings in the local school division, including financing costs for such repairs and replacements. The bill permits any school board in the Commonwealth to apply for Program grants but requires the Department of Education to give priority in the awarding of grants to school boards that demonstrate the greatest need based on the condition of existing school building roofs and the ability to pay for the repair or replacement of such roofs. VACo supported this legislation. *(Patron: Stanley)*

**SB 1109 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. The results would be advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the issuance of such bonds. The bill provides that the referendum be held at the November 2022 general election. *(Patron: Stanley)*

**SB 1170 Isle of Wight County; authorized to impose an additional local sales and use tax to support schools.**

Adds Isle of Wight County to the list of localities that, under current law, are authorized to impose an additional local sales and use tax

at a rate not to exceed one percent, with the revenue used only for capital projects for the construction or renovation of schools. VACo supported this legislation. *(Patron: Norment)*

**SB 1191 School nurses; excludes positions from certain requirements, school board to employ in each school.**

Excludes 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. The bill also requires the Department of Education to establish and administer a waiver process for local school boards for which the requirements of the bill create an undue hardship. *(Patron: Kiggans)*



# Energy

## PASSED LEGISLATION

### **HB 1859 Clean energy and other programs; local financing when owner costs are incurred.**

Amends § 15.2-958.3 of the Code of Virginia to change the parameters for local ordinances authorizing loan contracts for the installation by property owners of clean energy, resiliency, or stormwater management improvements. The bill provides that if the property owner incurred the costs of improvements to be refinanced or reimbursed within two years of the locality's issuance of a certificate of occupancy or other evidence that the clean energy, resiliency, or stormwater management improvements comply substantially with the plans and specifications previously approved by the locality, the loan amount may include the total costs of such improvements. The bill removes the requirement that the applicable local ordinance include the proposed interest rate for the loan program and the maximum aggregate dollar amount that may be financed with respect to a property, and it provides that no loan offered under the program shall be used to improve a residential dwelling with fewer than five dwelling units or a residential condominium. The bill alters the fee options available to the locality and provides that the placement of a voluntary special assessment lien does not require a new assessment on the value of the real property. The bill contains technical amendments. *(Patron: Guy)*

### **HB 1834 / SB 1247 Electric generating facility closures; public disclosure, integrated resource plans.**

Amends § 56-599 of the Code of Virginia and adds § 45.1-394.1 to require each owner of a large carbon-emitting power plant to provide notice to relevant localities and state agencies about the decision to close the plant within 30 days of making such decision. The bill requires localities in which such facilities are located,

and planning district commissions in such localities, to conduct public hearings regarding the impending closure within six months of receipt of such notice. The bill requires the Division of Energy to maintain a public website listing the facilities subject to the requirements of the bill and their anticipated closure dates. As part of an integrated resource plan, the bill requires each utility to submit a facility retirement study for its carbon-emitting facilities and disclose the study to relevant localities and state agencies.

*(Patrons: Subramanyam and Deeds)*

### **HB 1855 Mines, Minerals and Energy, Department of; renamed the Department of Energy.**

Amends §§ 2.2-204, 2.2-604.2, 2.2-1157, and various other sections of the Code of Virginia to rename the Department of Mines, Minerals and Energy as the Department of Energy. Within the Department, the bill renames the Division of Mined Land Reclamation as the Division of Mined Land Repurposing and renames the Division of Energy as the Division of Renewable Energy and Energy Efficiency. The bill makes substantive changes, removing the requirement that the Chief of the Division of Mines be appointed by the Governor and authorizing an employee other than the Virginia Gas and Oil Inspector to serve as the principal executive of the staff of the Virginia Gas and Oil Board. The bill also provides that the Chief Clean Energy Policy Advisor shall be appointed by the Governor. The bill removes or updates outdated language. The bill has a delayed effective date of October 1, 2021. *(Patron: Sullivan)*

### **HB 1899 / SB 1252 Coal tax credits; sunset date.**

Amends §§ 58.1-433.1, 58.1-439.2, and 58.1-2626.1 of the Code of Virginia, to sunset the Coal Employment and Production Incentive Tax Credit and Coalfield Employment Enhancement Tax Credit after tax year 2021 and prohibits the allocation of such credits on and after January 1, 2022. The bill provides that if Coal Employment and Production Incentive

tax credits were earned prior to January 1, 2022, the credit holder may claim the credits in subsequent tax years pursuant to the applicable carryover requirements of current law; however, such credit holders would be limited to claiming \$1 million in carryover credits per taxable year. The bill directs the Department of Mines, Minerals and Energy to convene a stakeholder process to report by December 1, 2021, on recommendations for how the Commonwealth can provide economic transition support to the coalfield region.

*(Patrons: Hudson and McPike)*

**HB 1907 Electric utilities; advanced renewable energy buyers.**

Amends § 56-585.5 of the Code of Virginia to provide that certain accelerated renewable energy buyers that are customers of Dominion Energy Virginia and had subscribed to, as of March 1, 2020, a voluntary companion experimental tariff offering for the purchase of renewable attributes from renewable energy facilities that requires a renewable facilities agreement and the purchase of a minimum of 2,000 renewable attributes annually is exempt from the allocation of the net costs related to procurement of new solar or onshore wind generation capacity, energy, or environmental attributes, or energy storage facilities, by Dominion Energy Virginia. The exemption is based on the amount of Renewable Energy Certificates associated with the customer's renewable facilities agreements associated with the tariff offering in proportion to the customer's total electric energy consumption, on an annual basis. *(Patron: Sullivan)*

**HB 1919 Local green banks; authorizes a locality, by ordinance, to establish.**

Adds § 15.2-958.3:1 to the Code of Virginia to authorize local governments to create green banks, an emerging finance mechanism that leverages public funding to attract private capital for investment in energy efficiency, renewable energy, and other distributed energy resources. The bill establishes certain powers and functions of a green bank, including developing rules and procedures, financing

and providing loans for clean energy projects, and stimulating demand for renewable energy. The bill requires the green bank to be a public entity, quasi-public entity, depository bank, or nonprofit entity and requires the locality to hold a hearing and publish notice of the hearing in a newspaper of general circulation prior to establishing the green bank through local ordinance. VACo supported this measure. *(Patron: Kory)*

**HB 1925 Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program; established, report.**

Adds § 67-1800 to the Code of Virginia to establish the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program (the Fund and Program). The bill provides that no allocation of funds shall be made to the Fund or Program unless federal funds are available to cover the cost of such allocation. The Fund and Program shall be administered by the Department of Mines, Minerals and Energy for the purpose of awarding grants to renewable energy projects that are located on brownfields or previously coal mined lands, both defined in the bill. Grants are to be awarded on a basis of \$500 per kilowatt of nameplate capacity from renewable energy sources that are located on previously coal mined lands and \$100 per kilowatt of nameplate capacity from renewable energy sources that are located on brownfields. No more than \$10 million shall be awarded to any previously coal mined lands project and no more than \$5 million to any single brownfield project. No more than \$35 million shall be allocated per year by the grant program. Of the \$35 million, \$20 million shall be reserved for previously coal mined lands projects. If less than \$20 million is distributed to such projects, the remaining funds may be reallocated to brownfield projects. The bill also provides that the Department shall, in consultation with stakeholders, develop a handbook for renewable energy and energy storage development on brownfields and previously coal mined lands. Finally, the bill requires the Department to submit an annual report regarding administration of the Fund and

Program to the General Assembly. However, the annual report shall not be required if the Fund and Program are not funded. *(Patron: Kilgore)*

**HB 1994 Small agricultural generators; expands definition.**

Amends § 56-594.2 of the Code of Virginia to expand the definition of “small agricultural generator” to include any business operating a small agricultural generating facility that has been granted a manufacturer license as a distillery, limited distillery, brewery, limited brewery, winery, or farm winery. Under current law, small agricultural generators include only those businesses operating a small agricultural generating facility as part of an agricultural business. The bill requires the State Corporation Commission to initiate a rulemaking, after August 1, 2021, but prior to January 1, 2022, to promulgate regulations to implement the provisions of the bill. *(Patron: Murphy)*

**HB 2006 / SB 1201 Energy storage systems; definitions, tax exemption, revenue share for systems.**

Amends §§ 58.1-2600, 58.1-2628, 58.1-2636, and 58.1-3660 to declare that energy storage systems are included in the definition of certified pollution control equipment and facilities, making energy storage systems exempt from state and local taxation. The bill defines “energy storage system” as equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored. The tax exemption applies only to certain projects with alternating current (AC) storage capacity of more than five megawatts and less than 150 megawatts.

The bill also allows localities to assess a revenue share of up to \$1,400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on energy storage systems as well as certain solar energy projects shall be increased by 10 percent. No increase

may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021.

The bill defines energy storage systems as electric suppliers whose property shall be assessed by the State Corporation Commission. *(Patrons: Heretick and Petersen)*

**HB 2034 / SB 1420 Electric utilities; nonjurisdictional customers, third party power purchase agreements.**

Amends § 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 as amended by Chapters 1187, 1188, 1189, 1193, 1194, and 1239 of the Acts of Assembly of 2020, to provide that for pilot programs under which an owner or operator of a renewable energy generation facility sells electricity to an eligible customer-generator through a third party power purchase agreement, both jurisdictional and nonjurisdictional customers may participate on a first-come, first-serve basis. *(Patrons: Hurst and Edwards)*

**HB 2148 Small renewable energy projects; energy storage.**

Amends § 10.1-1197.5 of the Code of Virginia to include in the definition of a “small renewable energy project” certain energy storage facilities and projects that include storage facility components. Such facilities are eligible for special permitting, review, and inspection requirements. The bill directs the Department of Environmental Quality to promulgate initial regulations to implement the provisions of the bill by January 1, 2022. *(Patron: Willett)*

**HB 2201 / SB 1207 Solar and energy storage projects; siting agreements throughout the Commonwealth.**

Amends §§ 15.2-2288.8 and 15.2-2316.6 through 15.2-2316.9 of the Code of Virginia to expand existing provisions related to siting agreements and zoning special exceptions for solar projects located in an opportunity zone

to include energy storage projects and makes the provisions statewide. The bill provides that its provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. The bill also provides that its provisions shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share. *(Patrons: Jones and Barker)*

**HB 2227 Uniform Statewide Building Code; amendments, energy efficiency and conservation.**

Directs the Board of Housing and Community Development, upon each publication by the International Code Council of a new version of the International Energy Conservation Code (IECC), to consider adopting amendments to the Uniform Statewide Building Code to address changes in the IECC related to energy efficiency and conservation. *(Patron: Kory)*

**HB 2269 Solar energy projects and energy storage systems; revenue share for projects and systems.**

Amends § 58.1-2636 of the Code of Virginia to allow localities to assess a revenue share of up to \$1,400 per megawatt (MW) on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on certain solar energy projects and energy storage systems shall be increased by 10 percent. For example, in 2026 the \$1,400 could be adjusted up to \$1,540 per MW and similarly in subsequent 5-year intervals as follows:

Year	Tax per MW
<b>2026</b>	<b>\$1,540</b>
<b>2031</b>	<b>\$1,694</b>
<b>2036</b>	<b>\$1,863</b>

<b>2041</b>	<b>\$2,050</b>
<b>2046</b>	<b>\$2,255</b>
<b>2051</b>	<b>\$2,480</b>
<b>2056</b>	<b>\$2,728</b>
<b>2061</b>	<b>\$3,001</b>

The purpose of the escalator is to address the diminishing value of the dollar due to inflation thereby providing an added incentive to adopting the energy tax versus machinery & tools tax. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021. *(Patron: Heretick)*

**HB 2282 State Corporation Commission; transportation electrification, utility recovery of certain costs.**

Directs the State Corporation Commission (the Commission) to report on policy proposals to accelerate transportation electrification in the Commonwealth. The bill requires the Commission to submit, no later than May 1, 2022, a report to the General Assembly recommending policy proposals that could govern public electric utility programs to accelerate widespread transportation electrification in the Commonwealth. The bill requires the Commission to utilize a public process, facilitated by a third party with expertise in transportation electrification, in which the Commission, the Department of Environmental Quality, the Department of Mines, Minerals and Energy, the Department of Transportation, and appropriate stakeholders participate. The bill requires that the Commission, in developing its policy recommendations, evaluate (i) areas where utility or other public investment may best complement private efforts to effectively deploy charging infrastructure, with particular focus on low-income, minority, and rural communities; (ii) how smart growth policies can complement and enhance the Commonwealth's transportation electrification goals; and (iii) how utility



programs, investments, or incentives to customers or third parties to facilitate the deployment of charging infrastructure and related upgrades can support or enhance (a) statewide transportation electrification, including electrification of public transit; (b) the electrification of medium-duty and heavy-duty vehicles, school buses, vehicles at ports and airports, personal vehicles, and vehicle fleets; (c) increased access to electric transportation and improved air quality in low-income and medium-income communities; (d) achievement of existing energy storage targets; (e) improvements to the distribution grid or to specific sites necessary to accommodate charging infrastructure; and (f) customer education and outreach programs that increase awareness of such programs and the benefits of transportation electrification. The bill requires that the report also address whether and how transportation electrification can, under current law, (1) reduce total ratepayer rates and costs; (2) assist in grid management and more efficient use of the grid, in a manner that does not increase peak demand, through time-of-use rates, managed charging programs, vehicle-to-grid programs, or other alternative rate designs; (3) utilize increased generation from renewable energy resources; and (4) reduce fueling costs for vehicles. The bill requires that, to the extent that the Commission and stakeholders conclude that transportation electrification cannot currently deliver these benefits, the report include public policy recommendations.

Additionally, the bill requires, beginning July 1, 2021, that any approved costs of any investor-owned electric utility associated with investment in transportation electrification be recovered only through the utility's rates for generation and distribution, prohibits recovery of such costs through a rate adjustment clause, and provides that such costs are not eligible for a customer credit reinvestment offset. (*Patron: Sullivan*)

**HB 2330 Percentage of Income Payment Program and Fund; DHCD & DSS to adopt rules, etc., for adoption.**

Amends §§ 56-576 and 56-585.6 of the Code of Virginia to require the Department of Social Services (the Department), in consultation with, as it deems necessary, the Department of Housing and Community Development, to adopt rules or establish guidelines for the adoption, implementation, and general administration of the Percentage of Income Payment Program (PIPP) and the Percentage of Income Payment Fund (Fund). The bill requires the PIPP to commence no later than one year after the Department publishes such rules or guidelines. The bill establishes the Fund for the purposes of implementing and administering the PIPP. The State Corporation Commission is required to promulgate any rules necessary to ensure that funds collected from the universal service fee of both American Electric Power and Dominion Energy Virginia are directed to the Fund. The bill limits the total annual cost of the energy reduction programs to \$25 million for American Electric Power and \$100 million for Dominion Energy Virginia. The bill requires the Commission to initiate proceedings to provide for an annual true-up of the universal service fee within 60 days of the commencement of the PIPP and on an annual or semiannual basis thereafter. The bill provides that the PIPP-eligible customers may utilize existing energy efficiency or related programs approved by the Commission and that the Department may review the needs of PIPP-eligible customers and whether gaps remain in serving such customers that are not already served by existing and available federal, state, local, or nonprofit programs to meet the required energy reduction obligations. The bill requires the Department to report the results of such analysis and review to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than November 1, 2022. The bill requires the Commission to issue an order providing for the non-bypassable universal service fee

as soon as practicable following the bill's effective date and requires the Department and Dominion Energy Virginia, in the event the PIPP commences prior to July 1, 2023, to enter into a memorandum of understanding regarding payments rendered on behalf of PIPP-eligible customers. (*Patron: Kory*)

**SB 1223 Va. Energy Plan; amends Plan to include an analysis of electric vehicle charging infrastructure.**

Amends §§ 67-102, 67-201, and 67-202 of the Code of Virginia to amend the Virginia Energy Plan to include an analysis of electric vehicle charging infrastructure and other infrastructure needed to support the 2045 net-zero carbon target in the transportation sector. (*Patron: Boysko*)

**SB 1282 Greenhouse gas emissions inventory; regulations.**

Adds § 10.1-1307.04 to the Code of Virginia to direct the Department of Environmental Quality to conduct a statewide baseline and projection inventory of all greenhouse gas emissions and to update such inventory every four years. The bill requires that the inventory be published and included in the annual report of the State Air Pollution Control Board. The bill also authorizes the Board to adopt regulations necessary to collect data needed to conduct, update, and maintain the inventory. The bill exempts proprietary information collected by the Department from the mandatory disclosure requirements of the Virginia Freedom of Information Act. (*Patron: Morrissey*)

**SB 1284 Commonwealth Clean Energy Policy; established.**

Amends §§ 56-46.1, 56-585.1, 56-598, 56-601, 62.1-199, 67-103, 67-104, and 67-201 of the Code of Virginia; adds § 67-101.1; and repeals §§ 67-101 and 67-102 to establish the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change

and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner. (*Patron: Favola*)

**SB 1295 Electric utilities; procurement of certain equipment.**

Amends §§ 56-585.1:11 and 56-585.5 of the Code of Virginia to require a utility, in the construction of certain onshore wind, solar, and energy storage facilities, to procure, subject to a competitive process, equipment from a Virginia-based or United States-based manufacturer using materials or product components made in Virginia or the United States, if reasonably available and competitively priced. Additionally, the bill requires a utility, in the construction of certain offshore wind projects, to develop and submit a plan for review to the State Corporation Commission that includes considerations for the procurement of equipment from a Virginia-based or United States-based manufacturer using materials or product components made in Virginia or the United States, if reasonably available and competitively priced. (*Patron: DeSteph*)

**SB 1453 Mines and Mining and Virginia Energy Plan; revision of Titles 45.1 and 67.**

Creates proposed Title 45.2 (Mines, Minerals, and Energy) as a revision of existing Title 45.1 (Mines and Mining) and existing Title 67 (Virginia Energy Plan). Proposed Title

45.2 consists of 21 chapters divided into five subtitles: Subtitle I (Administration), Subtitle II (Coal Mining), Subtitle III (Mineral Mines), Subtitle IV (Gas and Oil), and Subtitle V (Other Sources of Energy; Energy Policy). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to the administration of the Department of Mines, Minerals and Energy, underground and surface coal mining, underground and surface mineral mines, the Virginia Gas and Oil Act, energy from wind, solar, geothermal, and nuclear sources, and energy policy. The bill moves the remaining provisions of Title 67 that are not appropriate for inclusion in proposed Title 45.2 into other existing titles of the Code. The bill has a delayed effective date of October 1, 2021 and is a recommendation of the Virginia Code Commission. *(Patron: Edwards)*

## **FAILED LEGISLATION**

### **HB 2023 Solar and wind farms; reporting of acreage by locality.**

Requires each locality to provide to the Department of Mines, Minerals and Energy information about the amount of land formerly in production agriculture or silviculture that has been approved for development into or has been developed into solar or wind farms. The bill requires the Division of Energy to establish a database to collect and maintain figures on the amount of land formerly in production agriculture or silviculture that has been approved for development into or has been developed into solar or wind farms. The bill also requires localities, in adopting ordinances for and approving the development of solar and wind farm projects, to consider certain effects of such projects. *(Patron: Poindexter)*

### **HB 2067 Solar facilities; permit by rule.**

Lowers from 150 to 50 megawatts the maximum generation capacity of an electrical generation facility that generates electricity only from sunlight to qualify for issuance of a permit by rule. *(Patron: Weibert)*

### **SB 1380 Electric utilities; electric school bus projects.**

Authorizes electric utilities to partner with school divisions 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. The bill provides that if an electric school bus project meets the requirements in the bill, then it is in the public interest and may constitute an energy storage resource. The bill requires an electric school bus project and its corresponding agreement to include a provision to compensate a participating school division for the use of the school bus battery by the electric utility as a grid stabilizing or peak-shaving resource and a provision that the electric school buses shall be titled under the participating school division, but the utility shall own the associated batteries and charging stations. The bill also provides a local tax exemption from machinery and tools (M&T) for electric school buses and associated charging and other infrastructure that is related or incidental to an authorized electric school bus project and owned by the electric utility. *(Patron: Lucas)*

# Environment and Agriculture

## PASSED LEGISLATION

### **[HB 1760](#) / [SB1199](#) Conservation easements; certain easements be liberally construed in favor of purpose which created.**

Adds §§ 10.1-1016.1 and 10.1-1705.1 to the Code of Virginia to provide that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act shall be construed in favor of achieving the conservation purposes for which it was created. *(Patrons: Webert and Petersen)*

### **[HB 1763](#) / [SB 1162](#) Tax credit; agricultural best management practices.**

Amends §§ 58.1-339.3 and 58.1-439.5 of the Code of Virginia, to create an enhanced individual and corporate income tax credit for taxable years 2021 through 2024 for the implementation of certain agricultural best management practices by the taxpayer that are required as part of a certified resource management plan. The enhanced tax credit is equal to 50 percent of the first \$100,000 expended in implementing certain agricultural best management practices, and each amount shall be consistent with the rate offered for each eligible practice under the Virginia Agricultural Best Management Practices Cost-Share Program. The bill retains a tax credit for 25 percent of expenses made for all other agricultural best management practices that are not eligible for the enhanced credit rate but increases the maximum amount of expenses to which one can apply the 25 percent credit from \$70,000 to \$100,000. A taxpayer may not claim credit for the same practice in the same management area under both the 25

percent and enhanced 75 percent credits. The aggregate amount of credit claimed per taxpayer shall not exceed \$75,000 per year, and the aggregate amount of individual and corporate credits claimed among all taxpayers and credits shall not exceed \$2 million per year. The bill sunsets the existing agricultural best management practices tax credits after taxable year 2024. *(Patrons: Wilt and Hanger)*

### **[HB 1801](#) Disposing of litter; penalty.**

Amends § 33.2-802 of the Code of Virginia to increase the minimum fine for dumping or disposing of litter, trash, or other unsightly matter on public or private property from \$250 to \$500. *(Patron: Edmunds)*

### **[HB 1804](#) State parks; DCR to develop recommendations for funding, report.**

Directs the Department of Conservation and Recreation to develop recommendations for dedicated sources of funding for state parks that will be relatively stable from year to year. The Department shall submit its recommendations to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance and Appropriations by November 1, 2021. *(Patron: Orrock)*

### **[HB 1836](#) Natural Resources, Secretary of; name changed to the Secretary of Natural and Historic Resources.**

Amends §§ 2.2-200, 2.2-205, 2.2-206, 2.2-215, 2.2-220.1, 2.2-220.2, 2.2-220.3, 2.2-1156, 2.2-1176, 2.2-2316, 2.2-2338, 2.2-2481, 2.2-2699.10, 2.2-2699.11, 2.2-2699.13, 10.1-603.25, 10.1-704, 10.1-1018, 10.1-1181.15, 10.1-1188, 10.1-1329, 10.1-1402.03, 10.1-1402.04, 10.1-1405, 10.1-2129, 10.1-2202.3, 15.2-2295.1, 28.2-207, 29.1-102, 29.1-573, 29.1-579, 30-377, 56-596.2, 58.1-344.3, 62.1-44.15:68, 62.1-44.34:25, 62.1-44.34:28, 62.1-44.117, 62.1-44.118, 62.1-44.119:1, 62.1-69.31, 62.1-69.32, 62.1-69.33, 62.1-69.41,



62.1-69.52, and 62.1-195.1 of the Code of Virginia to rename the Secretary of Natural Resources as the Secretary of Natural and Historic Resources. The bill also designates the Secretary as the Chief Resilience Officer and removes the Virginia Museum of Natural History from the purview of the Secretary. *(Patron: Plum)*

**HB 1837 / SB 1161 Virginia Soil and Water Conservation Board; clarifies membership.**

Amends § 10.1-502 of the Code of Virginia to clarify that each of the six nonlegislative citizen members of the Virginia Soil and Water Conservation Board (the Board) who is not an at-large member is to be appointed by the Governor from a list of two qualified nominees submitted for each vacancy by the Board and the Board of Directors of the Virginia Association of Soil and Water Conservation Districts (the Association) in consultation with other groups. The bill also requires each of the six nonlegislative citizen members to be a resident of a different one of the six geographic areas represented in the Association. The bill contains technical amendments. *(Patrons: Plum and Hanger)*

**HB 1902 Expanded polystyrene food service containers; prohibition, civil penalty.**

Amends §§ 10.1-1414 and 10.1-1422.01 of the Code of Virginia and adds § 10.1-1424.3 to prohibit the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality,

as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Finally, the bill directs the Department of Environmental Quality to post to its website information on compliance and the filing of complaints. *(Patron: Carr)*

**HB 1928 Historic resources; acquisition and lease of land.**

Amends §§ 10.1-2202 and 10.1-2204 of the Code of Virginia to authorize the Department of Historic Resources and the Board of Historic Resources to undertake additional leasing and property acquisition activities related to battlefield properties, designated landmarks, and other properties of historic significance. *(Patron: Aird)*

**HB 1965 State Air Pollution Control Board; low-emissions and zero-emissions vehicle program.**

Amends § 10.1-1307 of the Code of Virginia and adds § 10.1-1307.04 to direct the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. The bill requires that the regulations adopted by the Board will allow any motor vehicle manufacturer to establish a Virginia-specific zero-emission vehicle credit account and to make an initial deposit into its account. Such credits may be traded or sold or used to meet up to 18 percent of the manufacturer's zero-emissions vehicle program credit requirements in any model year. The bill also authorizes the State Corporation Commission to exclude sales related to such vehicles from certain energy efficiency calculations. *(Patron: Bagby)*

**HB 1979 Electric vehicle rebate program; creation and funding, report, sunset date.**

Amends the Code of Virginia by adding §§ 67-1800 through 67-1806 to create a rebate

program for the purchase or lease of new and used electric vehicles, to be administered by the Department of Mines, Minerals and Energy. A purchaser or lessee of a new or used electric vehicle would receive a \$2,500 rebate applied toward payment for the purchase, and a purchaser or lessee with an annual household income that does not exceed 300 percent of the federal poverty level would be entitled to an additional \$2,000 rebate for a new electric vehicle and \$500 for a used electric vehicle beginning in taxable year 2022. The bill also establishes an Electric Vehicle Rebate Program Advisory Council to oversee the Electric Vehicle Rebate Program and to make recommendations regarding its implementation and the Electric Vehicle Rebate Program Fund created by the bill. The Director of the Department of Mines, Minerals and Energy is required to report annually to the Governor and the General Assembly regarding the program. The program expires on January 1, 2027. *(Patron: Reid)*

**[HB 1982](#) Nutrient credits; use by facility with certain stormwater discharge permit.**

Amends § 62.1-44.19:21 of the Code of Virginia to authorize a facility that has been issued a Virginia Pollution Discharge Elimination System (VPDES) permit regulating stormwater discharges to acquire, use, and transfer nutrient credits for compliance with any waste load allocation established as an effluent limitation in its VPDES permit. Current law allows only a facility registered under the Industrial Stormwater General Permit to use nutrient credits for such purpose. *(Patron: Bulova)*

**[HB 1983](#) Wetland and stream mitigation banks; proximity of impacted site.**

Amends §§ 62.1-44.15:23 and 62.1-44.15:23.1 of the Code of Virginia to provide that when a water protection permit applicant is required to purchase wetland or stream mitigation bank credits but no credits are available (i) in any mitigation provider's primary service area or (ii) at a cost of less than 200 percent of the price of credits available from a fund dedicated to achieving no net loss of wetland acreage and functions, the applicant may purchase or use

credits from a mitigation provider's secondary service area. The bill provides certain requirements that the permit applicant must comply with in order to purchase or use such credits from a secondary service area, including minimum tree canopy requirements. *(Patron: Bulova)*

**[HB 2030](#) Neonicotinoid pesticides; communication between beekeepers and applicators.**

Directs the Department of Agriculture and Consumer Services to study the Beekeeper Pollinator Protection Plan and voluntary best management practices for the purpose of proposing improvements to communication between beekeepers and applicators to reduce the risk to pollinators from neonicotinoid pesticides. The bill authorizes the Department to establish a stakeholder working group and directs it to report on its findings no later than December 1, 2021. *(Patron: Krizek)*

**[HB 2042](#) / [SB 1393](#) Trees; replacement and conservation during development, effective clause.**

Amends §§ 15.2-961 and 15.2-961.1 of the Code of Virginia to give a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The bill also directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a stakeholder work group for the purpose of developing and providing recommendations to state and local governments related to policies that encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. The bill will not become effective unless reenacted by the 2022 Session of the General Assembly, but the stakeholder work group is effective in due course. *(Patrons: Guy and Marsden)*

**[HB 2068](#) Local Food and Farming Infrastructure Grant Program; established.**

Amends §§ 3.2-303, 3.2-304, and 3.2-310 of the Code of Virginia and adds § 3.2-311 to establish the Local Food and Farming Infrastructure Grant Program and authorizes the Governor to award grants to political subdivisions from the Governor's Agriculture and Forestry Industries Development Fund as part of the Program. Such grants, in amounts up to \$25,000, shall be awarded on a competitive basis to support infrastructure development projects that support local food production and sustainable farming. The bill directs the Secretary of Agriculture and Forestry to develop guidelines for the Program that favor projects that establish or maintain 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 2078](#) Industrial hemp; updates laws to address the new hemp producer license.**

Amends §§ 3.2-4112, 3.2-4113, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 18.2-247, 18.2-251.1:3, 54.1-3401, and 54.1-3446 of the Code of Virginia. Updates Virginia's industrial hemp laws to address the new hemp producer license issued by the U.S. Department of Agriculture. The bill changes drug laws to exclude the industrial hemp possessed by a federally licensed hemp producer from the definition of "marijuana" and to exclude certain amounts of tetrahydrocannabinol (THC) in such industrial hemp from the prohibition on THC. The bill exempts federally licensed hemp producers from state industrial hemp registration requirements and adds such producers to the list of those eligible to receive funds from the Tobacco Indemnification and Community Revitalization Fund.

The bill provides that no grower, agent of such grower, or federally licensed producer shall be prosecuted for possession of industrial hemp or Cannabis sativa with a THC concentration that does not exceed the concentration established in certain federal

regulations and prohibits the Commissioner of Agriculture and Consumer Services from deeming a grower negligent if the grower makes reasonable efforts to grow industrial hemp but grows Cannabis sativa with a THC concentration that does not exceed the concentration established in federal regulations.

The bill makes other changes to industrial hemp laws, including (i) limiting the application fee for registration of growers, dealers, and producers to \$250; (ii) excluding from the definition of "dealer" any retail establishment that sells a completed product containing industrial hemp; (iii) making optional the monitoring and random testing of industrial hemp by the Commissioner and authorizing the random sampling of such hemp; (iv) removing the requirement that the Attorney General of the United States be notified when a Virginia grower, dealer, or processor exceeds the federal THC limit; and (v) directing the Commissioner to adopt regulations establishing a fee structure for registration.

Finally, the bill exempts employees of the Virginia Department of Agriculture and Consumer Services from prosecution for possession or distribution of industrial hemp when possession is necessary in the performance of their duties. The bill contains an emergency clause.

**[HB 2129](#) / [SB 1354](#) Chesapeake Bay; wastewater treatment, Enhanced Nutrient Removal Certainty Program established.**

Amends §§ 10.1-1186.01, 62.1-44.19:13, and 62.1-44.19:14 of the Code of Virginia. Requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge

permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works beginning February 1, 2023, to address the requirements of the ENRC Program.

The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the Water Quality Improvement Fund. The bill lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms.

The bill provides that the ENRC Program shall be deemed to implement through January 1, 2026, the Chesapeake Bay Phase III Watershed Implementation Plan. The bill provides that if, after July 1, 2026, Virginia has not achieved its nitrogen pollution reduction commitments in the Phase III Watershed Implementation Plan, the Secretary of Natural Resources may develop an additional watershed implementation plan. (*Patrons: Lopez and Hanger*)

**[HB 2159](#) Balloons; release of nonbiodegradable balloons outdoors prohibited, civil penalty.**

Amends § 29.1-556.1 of the Code of Virginia to prohibit any individual 16 years of age or older or other person, including a corporation, from intentionally releasing, discarding, or causing to be released or discarded any nonbiodegradable balloon outdoors and provides that any person convicted of such violation is liable for a civil penalty of \$25 per balloon, to be paid into the Game Protection Fund. The bill provides that if a person under the age of 16 releases a balloon at the instruction of an adult, the adult shall be liable for the civil penalty. Current law prohibits a person from knowingly releasing 50 or more such balloons within an hour and sets the civil penalty at \$5 per balloon, with the

proceeds deposited into the Lifetime Hunting and Fishing Endowment Fund. (*Patron: Guy*)

**[HB 2187](#) Recurrent Flooding Resiliency, Commonwealth Center for; study topics to manage water quality, etc.**

Directs the Commonwealth Center for Recurrent Flooding Resiliency to evaluate the development of a Flood Resiliency Clearinghouse Program and to work with the Department of Conservation and Recreation to evaluate solutions that manage both water quality and flooding and emphasize nature-based solutions. The bill requires the Center to report its findings by November 1, 2021. (*Patron: Hodges*)

**[HB 2203](#) / [SB 1188](#) Virginia Agriculture Food Assistance Program and Fund; established and created.**

Amends the Code of Virginia by adding §§ 3.2-4780 through 3.2-4783. Requires the Commissioner of Agriculture and Consumer Services to establish the Virginia Agriculture Food Assistance Program for Virginia farmers and food producers to donate, sell, or otherwise provide agriculture products to charitable food assistance organizations. The bill also creates the Virginia Agriculture Food Assistance Fund to disburse moneys to such charitable food assistance organizations to reimburse farmers or food producers for any costs associated with harvesting, processing, packaging, or transporting agriculture products donated to such charitable food assistance organizations. The bill authorizes the Commissioner to adopt guidelines and regulations to carry out the VAFA Program, which must prohibit grant recipients from attributing more than 10 percent of the grant amount to administrative costs. (*Patrons: Filler-Corn and Hashmi*)

**[HB 2213](#) Gold; Secretary of Natural Resources, et al., to study mining and processing.**

Directs the Secretary of Natural Resources, the Secretary of Health and Human Resources, and the Secretary of Commerce and Trade to establish a work group to study the mining of



gold in the Commonwealth. The bill requires that the study be conducted in consultation with the Virginia Council on Environmental Justice and appropriate stakeholders, including experts in mining, hydrology, toxicology, and other fields; environmental organizations; representatives of potentially affected communities in localities with significant deposits of gold; and residents of Native American communities in such localities. The work group shall report its findings to the General Assembly by December 1, 2022. *(Patron: Guzman)*

**HB 2302 Farmers market food and beverage products; sales considered essential during state of emergency.**

Provides that farmers markets shall be treated the same as grocery stores if such stores are allowed to remain open as essential businesses during a state of emergency declared by the Governor. *(Patron: Wyatt)*

**HB 2311 Objects of antiquity; unlawful to remove from battlefield, penalty.**

Amends §§ 10.1-2300 and 10.1-2306 of the Code of Virginia to add land owned by a battlefield preservation organization and land on which such organization holds an easement to the category of lands on which it is unlawful to intentionally damage, disturb, or remove any object of antiquity. Current law prohibits such acts on any designated state archaeological site or on state-controlled land and provides that a violation of the prohibition is a Class 1 misdemeanor. *(Patron: Runion)*

**SB 1135 Dangerous dogs; restructures procedure for adjudication, penalty.**

Amends §§ 3.2-6540 and 3.2-6542 of the Code of Virginia and adds §§ 3.2-6540.01 through 3.2-6540.04, 3.2-6541.1, 3.2-6542.1, 3.2-6542.2, 3.2-6543.1, 3.2-6562.2, and 18.2-52.2 to restructure the procedure for adjudication of a dog as a dangerous dog to provide for (i) written notice by an animal control officer to the owner of the dog that he has applied for a summons, and a prohibition on disposal of the dog by the owner for 30 days; (ii) the issuance

of a summons with an option rather than a requirement that the officer confine the dog, a prohibition on the disposal of the dog other than by euthanasia, and an authorization for the court to compel the implanting of electronic identification; (iii) the holding of a hearing within 30 days unless good cause is shown; (iv) the authority of the court if deferring further proceedings without adjudicating to compel the implanting of electronic identification; and (v) a limit of 30 days for any appeal of a dangerous dog adjudication.

The bill authorizes an officer to obtain a summons for a hearing to determine whether a dog that has been surrendered is a dangerous dog and provides that any dangerous dog not reclaimed from the animal control officer within 10 days of notice shall be considered abandoned.

The bill imposes new requirements for the transfer of dangerous dogs, requiring a releasing agency that is transferring or releasing for adoption a dangerous dog in the Commonwealth to notify the receiving party of the legal requirements for keeping a dangerous dog. If the agency is transferring the dog outside the Commonwealth, it is required to notify the appropriate animal control officer of the dog's adjudication as dangerous. An owner who is bringing a dog found to be dangerous in another state to reside in the Commonwealth shall notify the local animal control officer. Any owner who disposes of a dangerous dog by gift, sale, transfer, trade, or surrender shall notify the receiver in writing of the dog's adjudication as dangerous, with a violation penalized as a Class 3 misdemeanor.

Finally, the bill provides that if a dangerous dog adjudication occurred within 60 days of the end of the calendar year, the first renewal of the dangerous dog registration shall be included in the initial registration at no additional charge. The bill contains technical amendments. *(Patron: Marsden)*

**SB 1143 Wetlands; extension of certain permits through 2021.**

Retroactively extends until January 1, 2022, certain wetlands permits that were set to

expire between March 1, 2020, and July 1, 2021. (*Patron: Cosgrove*)

**SB 1164 Advanced recycling, etc.; definitions.**

Amends § 10.1-1400 of the Code of Virginia to define, for purposes of the Virginia Waste Management Act, “advanced recycling” as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials and other materials. The bill also defines “gasification,” “post-use polymer,” and other terms related to advanced recycling. (*Patron: Hanger*)

**SB 1265 Natural gas pipelines; stop work orders.**

Amends §§ 62.1-44.15:37.1 and 62.1-44.15:58.1 of the Code of Virginia to authorize the Department of Environmental Quality to conduct inspections of the land-disturbing activities related to construction of any natural gas transmission pipeline equal to or greater than 24 inches inside diameter. Current law authorizes such inspections only if such inside diameter is greater than 36 inches. The bill also specifies certain instances that may give rise to such inspection and authorizes the Department to issue a stop work instruction for every work area in Virginia in the event that substantial adverse impacts or likely adverse impacts are found on a repeated, frequent, and widespread basis. (*Patron: Deeds*)

**SB 1210 Permit fee schedules; DEQ to revise current schedule for nonhazardous solid waste mgmt. facilities.**

Directs the Director of the Department of Environmental Quality to convene working groups for the purpose of developing annual fee schedules for nonhazardous solid waste management facilities and annual maintenance fees for certain water withdrawal permits to replace the current annual fee schedules. (*Patron: Petersen*)

**SB 1274 Wildlife corridors; various agencies to consider and incorporate.**

Amends §§ 10.1-207, 10.1-1105, 29.1-579,

and 33.2-353 of the Code of Virginia to direct various agencies to consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan. The bill directs the Department of Wildlife Resources to publish the Plan and subsequent updates on its website and to assist state agencies and political subdivisions, and by request any federal agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations of the Plan when developing any governmental strategic plan, map, or action. (*Patron: Marsden*)

**SB 1280 Dams; negotiated settlement agreements.**

Amends the Code of Virginia by adding in Article 2 of Chapter 6 of Title 10.1 a section numbered 10.1-613.6 to authorize the Virginia Soil and Water Conservation Board to enter into a negotiated settlement with the owners of certain impounding structures who have allegedly violated or failed, neglected, or refused to obey any permit condition, provision of the Dam Safety Act, or Board regulation or order. The settlement shall require the dam owner to correct deficiencies at the dam structure and to pay civil charges for past alleged violations instead of any appropriate civil penalty that could be imposed. Such civil charges shall be suspended upon compliance with the settlement agreement. (*Patron: Bell*)

**SB 1290 ConserveVirginia program; established.**

Amends §§ 10.1-1018.1 and 10.1-1021 of the Code of Virginia and adds § 10.1-104.6:1 to establish in the Department of Conservation and Recreation a data-driven Geographical Information Systems (GIS) model to prioritize potential conservation areas across the Commonwealth that would provide quantifiable benefits to the citizens of Virginia, known as ConserveVirginia. Aspects of the program include (i) the synthesis of multiple mapped data inputs, divided into categories, each representing a different overarching conservation value, and periodic revision of such values; (ii) access to the model by the

public and all state and federal agencies; and (iii) incorporation of the model into acquisition or grant decisions when appropriate. The bill requires the Virginia Land Conservation Foundation to report on the success of the program and incorporate the program into needs assessments for expenditures from the Virginia Land Conservation Fund. *(Patron: Mason)*

**SB 1291 Va. Water Protection Permit; withdrawal of surface water or ground water, plans for water auditing.**

Amends §§ 62.1-44.15:22 and 62.1-262 of the Code of Virginia. Requires that any application for a permit to withdraw surface water or ground water include a water auditing plan and a leak detection and repair plan that comply with regulations adopted by the State Water Control Board pursuant to the provisions of the bill. The provisions of the bill shall not become effective until 30 days after the adoption by the Board of such regulations. *(Patron: Mason)*

**SB 1309 Local stormwater assistance; flood mitigation and protection.**

Amends § 15.2-2114.01 of the Code of Virginia. Authorizes grants from a local Stormwater Management Fund to be used for flood mitigation and protection measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, and requires such grants, where practicable, to prioritize projects that include nature-based practices. Current law allows such funds to be used only for the construction, improvement, or repair of a stormwater management facility or for erosion and sediment control. *(Patron: Ebbin)*

**SB 1311 Water quality standards; modification of permits and certifications.**

Amends § 62.1-44.15:81 of the Code of Virginia. Requires an applicant for a natural gas transmission pipeline greater than 36 inches inside diameter to submit in the application a detailed erosion and sediment control plan and stormwater management plan subject to Department of Environmental Quality

(the Department) review and approval. After receipt of such application, the bill directs the Department to issue a request for information about how the erosion and sediment control plan and stormwater management plan will address activities in or related to upland areas, and requires the applicant to respond. The bill directs the Department to consider such information in developing a draft certification or denial, and to take certain additional public notice steps.

The bill prohibits the Department and the State Water Control Board from expressly waiving certification of a natural gas transmission pipeline of greater than 36 inches inside diameter under § 401 of the federal Clean Water Act and requires the Department or Board to act on any certification request within a reasonable period of time pursuant to federal law. *(Patron: McClellan)*

**SB 1319 Waste Diversion & Recycling Task Force; Department of Environmental Quality to continue Task Force.**

Requests the Department of Environmental Quality to continue and expand the scope and membership of the Waste Diversion and Recycling Task Force. The bill directs the Task Force to hold its first meeting of the 2021 interim no later than October 15, 2021, and to publish an executive summary and a report of its findings and recommendations no later than November 1, 2022. *(Patron: Hashmi)*

**SB 1374 Carbon Sequestration Task Force; established.**

Directs the Secretary of Natural Resources, jointly with the Secretary of Agriculture and Consumer Services, to convene a task force for the purpose of studying carbon sequestration in the Commonwealth and submit a report of its findings before the first day of the 2022 Session of the General Assembly. The bill directs the task force to (i) consider possible methods of increasing carbon sequestration within the natural environment through state land and marine resources use policies; agricultural, aquacultural, and silvicultural practices; and other practices to achieve

restoration of natural resources and long-term conservation; (ii) recommend short-term and long-term benchmarks for increasing carbon sequestration; (iii) develop a standardized methodology to establish baseline carbon levels and account for increases in carbon sequestration over time; (iv) identify existing carbon markets and considerations relevant to potential participation by the Commonwealth; and (v) identify other potential funding mechanisms to encourage carbon sequestration practices in the Commonwealth. *(Patron: Lewis)*

**[SB 1396](#) Onsite Sewage Indemnification Fund; use of Fund for grants to certain property owners.**

Amends §§ 32.1-164 and 32.1-164.1:01 of the Code of Virginia and adds in Title 62.1 a chapter numbered 21.1, consisting of sections numbered 62.1-223.1, 62.1-223.2, and 62.1-223.3. Authorizes the State Board of Health to use the Onsite Sewage Indemnification Fund to provide grants and loans to property owners with income at or below 200 percent of the federal poverty guidelines to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal. The bill provides that no expenses shall be paid from the Fund to support the program for training and recognition of onsite soil evaluators, or to provide grants or loans to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal in lieu of payment to any owner or owners qualified to receive payment from the Fund. The bill also directs the Board to adopt regulations that include consideration of the impacts of climate change on proposed treatment works.

The bill sets out the policy of the Commonwealth regarding wastewater infrastructure and establishes the four-member Wastewater Infrastructure Policy Working Group as an advisory board in the executive branch of state government to continually assess wastewater infrastructure needs and develop policy recommendations. The bill provides that the Working Group shall

expire in 2030. The bill also directs the Department of Environmental Quality, in partnership with the Virginia Department of Health and in consultation with stakeholders, to estimate and report every four years the amount of wastewater infrastructure funding that is necessary to meet policy goals but is not eligible to be covered by grant funding pursuant to the Virginia Water Quality Improvement Act of 1997. *(Patron: Hashmi)*

**[SB 1404](#) Stormwater Local Assistance Fund; grants awarded for projects related to Chesapeake Bay.**

Amends § 62.1-44.15:29.1 of the Code of Virginia to authorize grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay total maximum daily load (TMDL) requirements to take into account total phosphorus reductions or total nitrogen reductions. The bill authorizes grants awarded for eligible projects in localities with high or above average fiscal stress as reported by the Commission on Local Government to account for more than 50 percent of the costs of a project. *(Patron: Lewis)*

## **FAILED LEGISLATION**

**[HB 2221](#) / [SB 1373](#) Environmental permits; community and environmental justice outreach.**

Requires the applicant for any (i) new or major modified stationary air pollution source, (ii) new landfill or transfer station, (iii) certification of site approval for a hazardous waste facility, (iv) new individual Virginia Pollutant Discharge Elimination System permit, (v) new individual Virginia Water Protection permit, (vi) new individual Virginia Stormwater Management Program permit, (vii) new individual Virginia Pollution Abatement permit, or (viii) individual ground water withdrawal permit for a new ground water withdrawal to complete certain public notice requirements, including (a) holding a public hearing; (b) publishing notices in English and Spanish in a newspaper, on social media, and on signage at the site location at least 60



days prior to such public meeting; (c) mailing notices to interested parties; (d) accepting written comments; (e) transcribing meeting information; and (f) responding to community concerns to the satisfaction of the Department of Environmental Quality.

The bill removes an exemption for applicants for a permit to operate a new captive industrial landfill or a new construction-demolition-debris landfill from certain provisions relating to new landfills or transfer stations. The bill also removes an exemption from certain public notice requirements granted to local government or public authority applicants for a permit to operate a landfill or transfer station. *(Patrons: Hayes and McClellan)*

**SB 1186 Landfill siting; historic preservation**

Prohibits the construction of any new municipal solid waste landfill within three miles of any designated historic district, building, structure, object, or site. *(Patron: Hashmi)*

**SB 1200 Waste disposal; local approval.**

Requires any application (i) to store, provide treatment for, or dispose of hazardous waste or (ii) for a new solid waste management facility permit, except for a noncaptive industrial landfill, to include certification from the governing body for each locality within a five-mile radius of the facility, other than the locality in which the facility is or will be located, granting approval of the facility or activity. *(Patron: Hashmi)*

# Finance

## **PASSED LEGISLATION**

### **HB 1774 Tangible personal property taxes; classification of certain motor vehicles, trailers, & semitrailers.**

Amends § 58.1-3506 of the Code of Virginia to provide that the separate class of property for rate purposes that includes motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used by a motor carrier engaged in interstate commerce on a for-hire basis shall also include such vehicles used to transport passengers. Under current law, this class of property only includes such vehicles if they are used to transport property. (*Patron: Walker*)

### **HB 1789 Auditor of Public Accounts; audits of certain political subdivisions.**

Amends § 30-140 of the Code of Virginia to extend from three months to five months after the end of a fiscal year the period within which certain authorities, commissions, districts, or other political subdivisions with an unelected governing body must have an annual financial transactions audit performed and filed with the Auditor of Public Accounts. The bill retains the three-month audit requirement for each authority, commission, district, or other political subdivision with an unelected governing body and which is required to be reported in the Commonwealth's Comprehensive Annual Financial Report as determined by the State Comptroller and the Auditor of Public Accounts. (*Patron: McNamara*)

### **HB 1949 / SB 1120 County executive form of government; local budgets.**

Amends §§ 15.2-520 and 15.2-2506 of the Code of Virginia to provide that a county that has adopted the county executive form of government (Albemarle and Prince William Counties) may carry over unspent funds from

year to year for multiyear capital projects and outstanding grants without having to reappropriate the funds. (*Patrons: Runion and Reeves*)

### **HB 1884 Income tax, state; voluntary inclusion of personal & contact information on appropriate forms.**

Amends §§ 38.2-6505, 58.1-3, and 58.1-341.1 of the Code of Virginia to direct the Department of Taxation to include space on the appropriate individual income tax forms for voluntary inclusion of personal and contact information. Such information may be shared with the Department of Medical Assistance Services, the Department of Social Services, or the Virginia Health Benefit Exchange, as applicable, for use in determining eligibility for certain programs. (*Patron: Sickles*)

### **HB 1916 / SB 1112 Research and development expenses; tax credit available against the bank franchise tax.**

Amends §§ 58.1-439.12:08 and 58.1-439.12:11 of the Code of Virginia, to provide that the research and development expenses tax credit and the major research and development expenses tax credit shall be available against the bank franchise tax for taxable years beginning on and after January 1, 2021. Under current law, the credits are available only against the individual and corporate income tax. (*Patrons: Mugler and Locke*)

### **HB 1935 / SB 1146 Income tax, state; conformity with the Internal Revenue Code.**

Amends §§ 58.1-301, 58.1-322.02, 58.1-322.03, and 58.1-402 of the Code of Virginia to advance Virginia's date of conformity with the Internal Revenue Code from December 31, 2019, to December 31, 2020. The bill deconforms from the suspension of the overall limitation on itemized deductions and the reduction in the medical expense deduction floor for taxable year 2017 and taxable years on and after January 1, 2019, and from the provisions of the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a

loss limitation applicable to taxpayers other than corporations, the limitation on business interest, and certain loan forgiveness and other business financial assistance. The bill provides an individual and corporate income tax deduction or subtraction, as applicable, of up to \$100,000 for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans. *(Patrons: Watts and Howell)*

**HB 1999 Tax Commissioner; waiver of accrual of interest in the event that Gov. declares state of emergency.**

Amends § 58.1-112 of the Code of Virginia to authorize the Tax Commissioner to waive interest for any class of taxpayers when he finds that imposing interest has caused, or would cause, undue hardship to such class of taxpayers because of a natural disaster or other reason. The bill allows the Tax Commissioner to grant such waiver only if the Governor declares a state of emergency in the Commonwealth with respect to such natural disaster or other reason. The bill contains an emergency clause. *(Patron: Murphy)*

**HB 2059 Delinquent returns; enforcement, when approval required.**

Adds § 58.1-1802.2 to the Code of Virginia to require the Department of Taxation to request taxpayers who have failed to file tax returns when due to prepare and file such returns except where there is an indication that the taxpayer willfully failed to file the required returns or if there is an indication of fraud. All delinquent returns submitted by the taxpayer shall be enforced pursuant to factors outlined in the bill and through delinquency procedures for not more than six years of the taxpayer's returns. The approval of a manager designated by the Tax Commissioner is required if the enforcement activity exceeds the six-year period. *(Patron: Coyner)*

**HB 2060 Online portal for tax practitioners; Department of Taxation shall analyze prospect of establishing.**

Directs the Department of Taxation to analyze the prospect of establishing an online portal

allowing access to taxpayer information for tax practitioners who possess a valid Power of Attorney and Declaration of Representative form for each client for whom such tax practitioner seeks to access such taxpayer information. The Department shall examine similar systems from the Internal Revenue Service or other states and also analyze cybersecurity concerns in such systems. The bill requires a report to the General Assembly no later than December 1, 2021. *(Patron: Coyner)*

**HB 2165 Tax delinquent property; sale of land for delinquent taxes.**

Amends § 58.1-3965 to extend from 36 to 60 months the time period for which a local tax official may suspend an action for the sale of tax delinquent property, which under current law is authorized if the owner enters into an agreement with the official to pay delinquent taxes in installments. The bill also authorizes an official to suspend an action if a person who is not a party to the action gives notice asserting ownership rights, by virtue of testate or intestate succession, in the property subject to the action. If a court determines such person has ownership rights in the property, such person may enter into an installment plan similar to what is authorized under current law.

The bill provides that a final court order confirming sale of tax delinquent property shall not be entered sooner than the later of (i) 90 days after the official gives notice of the action or (ii) 90 days after the official receives notice from a person who is not a party to the action asserting ownership rights. *(Patron: Hope)*

**HB 2181 / SB 1251 Virginia Retirement System; technical amendments.**

Amends §§ 51.1-124.3, 51.1-157, 51.1-168, 51.1-301, and 51.1-308 of the Code of Virginia to make technical amendments to provisions of the Code of Virginia relating to the Virginia Retirement System to reflect recent changes to federal law and conform terminology to federal law. *(Patrons: Mundon King and Newman)*

**[HB 2185 / SB 1403](#) Retail Sales and Use Tax; exemption for personal protective equipment.**

Adds § 58.1-609.14 to establish a retail sales and use tax exemption for personal protective equipment, defined in the bill. The exemption is available to any business that has in place a COVID-19 safety protocol that complies with the Emergency Temporary Standard promulgated by the Virginia Department of Labor and Industry and that meets other criteria. The exemption sunsets on the first day following the expiration of the last executive order issued by the Governor related to the COVID-19 pandemic and the termination of the COVID-19 Emergency Temporary Standard and any permanent COVID-19 regulations adopted by the Virginia Safety and Health Codes Board. *(Patrons: Byron and Pillion)*

**[HB 2273 / SB 1423](#) Data centers; sales and use tax exemption, clarifies “distressed locality”, report.**

Amends § 58.1-609.3 of the Code of Virginia, to reduce the job creation requirement to qualify for the sales and use tax exemption for data centers in a distressed locality from 25 to 10 jobs and reduces the required capital investment from \$150 million to \$70 million for such data centers. The bill also redefines what criteria are used to identify a distressed locality; under the bill, a locality qualifies as distressed if it has an unemployment rate that is greater than the statewide unemployment rate and a poverty rate that exceeds the statewide poverty rate. The bill requires all data centers claiming the exemption to report certain information to the Virginia Economic Development Partnership Authority (the Authority) and the Department of Taxation, in collaboration with the Authority, to aggregate and publish such information biennially. *(Patrons: Morefield and McPike)*

**[HB 2293](#) Local gas severance tax; extends sunset date.**

Amends § 58.1-3713 of the Code of Virginia to extend the sunset date from January 1, 2022, to January 1, 2024, for authority to impose

an additional local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund; (ii) the Virginia Coalfield Economic Development Fund; and (iii) water, sewer, and natural gas systems and lines. *(Patron: Morefield)*

**[HB 2308](#) Veterans of Foreign Wars, American Legion, etc.; quantity of land certain associations may hold.**

Amends § 57-20 of the Code of Virginia, to increase from 75 to 200 the number of acres of land that any association or post of the Veterans of Foreign Wars, American Legion, Spanish War Veterans, Disabled American Veterans, or any similar association of veterans of the Armed Forces of the United States chartered by an act of Congress may hold. However, the bill provides that any such property in excess of 75 acres shall not be exempt from taxation unless an ordinance to that effect is adopted by the governing body of the locality in which the property is located. *(Patron: Brewer)*

**[SB 1130](#) Personal property tax; exemption for motor vehicle of a 100 percent disabled veteran.**

Adds §58.1-3668 to the Code of Virginia to provide that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from local taxes. This bill is the enabling legislation for a constitutional amendment ratified by the voters of the Commonwealth at the November 2020 general election. *(Patron: Reeves)*

**[SB 1158](#) Port of Virginia tax credits; extends the sunset date.**

Amends §§ 58.1-439.12:06, 58.1-439.12:09, and 58.1-439.12:10 of the Code of Virginia to extend the sunset for the international trade facility tax credit, the barge and rail usage tax credit, and the port volume increase tax credit from taxable years before January 1, 2022, to taxable years before January 1, 2025. *(Patron: Spruill)*



**SB 1197 Virginia housing opportunity; tax credit established.**

Adds §§ 58.1-439.29 and 58.1-439.30 to the Code of Virginia to establish, for taxable years 2021 through 2025, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years. No more than \$15 million in credits shall be granted per calendar year. *(Patron: Locke)*

**SB 1326 Local cigarette taxes; regional cigarette tax boards.**

Amends § 58.1-3830 of the Code of Virginia and adds § 58.1-3832.1 to state that it is the policy of the Commonwealth, where practical, to encourage local cigarette stamping and tax collection to be accomplished through regional cigarette tax boards, defined in the bill. The bill directs the Department of Taxation to establish a task force to develop methods for modernizing the local cigarette tax collection system and provide assistance as appropriate to localities seeking to form new regional cigarette tax boards. *(Patron: Hanger)*

**SB 1398 Retail sales and transient occupancy taxes; room rentals.**

Amends §§ 58.1-602, 58.1-603, 58.1-3819, and other sections of the Code of Virginia to provide that retail sales and hotel taxes on transient room rentals shall be computed on the basis of the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The bill requires an amount equal to the

estimated state sales tax revenue generated from the tax on accommodations fees to be appropriated to the Virginia Tourism Authority each fiscal year to be used for promoting tourism. *(Patron: Norment)*

**SB 1438 Combined transient occupancy and food and beverage tax; technical amendments.**

Amends § 58.1-3842 of the Code of Virginia to provide that, for purposes of the combined transient occupancy and food and beverage tax that is currently authorized for Rappahannock and Madison Counties, the rate limit for such tax shall be the same as if the two taxes were imposed separately. The bill also eliminates the referendum requirement for the food and beverage component of the combined tax, consistent with Chapters 1214 and 1263 of the Acts of Assembly of 2020, which eliminated the referendum requirement for the food and beverage tax generally. *(Patron: Hanger)*

## **FAILED LEGISLATION**

**HJ 614 Constitutional amendment; real property tax exemption for surviving spouses.**

Provides that the General Assembly may by general law exempt from taxation the real property of a surviving spouse of (i) a member of the armed services who died while serving or (ii) a veteran who died from a service-connected disability or illness. Under a current constitutional provision, only the surviving spouse of a member of the armed forces who was killed in action is eligible for the real property tax exemption. *(Patron: Mundon King)*

**HJ 616 Constitutional amendment; real property tax exemption for affordable housing.**

Provides that the General Assembly may authorize a locality to fully or partially exempt affordable housing, as such term may be defined by statute, from local real property taxation. *(Patron: Bourne)*

**SI 297 Constitutional amendment; authority of Gen. Assembly to tax exempt property for certain veterans.**

Provides that the General Assembly may by general law exempt from taxation the property of a nonprofit organization whose purpose is to provide services to veterans or service members of the Armed Forces of the United States. (*Patron: Bell*)

# General Government

## PASSED LEGISLATION

### Administration of Government

#### **[HB 5052 / SB 5031](#) Legal holidays; Juneteenth.**

Amends § 2.2-3300 of the Code of Virginia. Recognizes the nineteenth day of June of each year, also known as Juneteenth, as a legal holiday in the Commonwealth to commemorate the announcement of the abolition of slavery in Texas, the last of the former Confederate States of America to abolish slavery, and to recognize the significant roles and many contributions of African Americans to the Commonwealth and the nation. **[2020 Special Session]**  
(Patrons: Bagby and Locke)

#### **[HB 1775](#) State Corporation Commission; access to local land records.**

Amends § 17.1-276 of the Code of Virginia to add the State Corporation Commission to the list of agencies that are exempt from paying fees for remote access to local land records.  
(Patron: Kilgore)

#### **[HB 1895](#) Fines and costs; accrual of interest, deferral or installment payment agreements.**

Amends and reenacts §§ 19.2-353.5 through 19.2-355 of the Code of Virginia to provide that no interest shall accrue on any fine or costs imposed in a criminal case or in a case involving a traffic infraction (i) for a period of 180 days following the date of the final judgment imposing such fine or costs, (ii) during any period the defendant is incarcerated, and (iii) for a period of 180 days following the date of the defendant's release from incarceration if the sentence includes an active term of incarceration. Current law

prohibits interest from accruing on such fines or costs for a period of 40 days from the date of the final judgment imposing such fine or costs or during any period the defendant is incarcerated. Removes the requirement that a defendant be unable to make payment of a fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing in order to be eligible to enter into a deferred or installment payment agreement and allows any defendant to enter such payment agreements and removes the requirement that a defendant make a down payment upon entering a deferred, modified deferred, or installment payment agreement. (Patron: Hudson)

#### **[HB 2217](#) Public access authorities; granted certain liability protections.**

Amends § 15.2-1809 of the Code of Virginia to grant public access authorities, including the land holdings and facilities of such authorities, certain liability protections that are currently given to localities in relation to parks, recreational facilities, and playgrounds.  
(Patron: Hodges)

#### **[SB 1208](#) Continuity of government; extends period of time that locality may provide after disaster**

Amends § 15.2-1413 of the Code of Virginia to extend from six to 12 months the period of time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the locality to resume normal governmental authority by the end of that 12-month period. (Patron: Barker)

#### **[SB 1270](#) 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) 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*)

## **Elections**

### **SB 5120 Elections, Department of; appropriations to provide prepaid postage for return of absentee ballots.**

Amends the 2020 Appropriations Act to provide \$2,000,000 to the Department of Elections to be used to provide prepaid postage for the return of absentee ballots for the November 3, 2020, election. The bill requires that such prepaid postage be provided by localities, which will be reimbursed by the Department out of the appropriation. The bill also makes other procedural changes for absentee voting for the November 3, 2020, election, including directing the State Board of Elections to promulgate guidelines for the establishment and operation of drop-off locations for completed ballots. **[2020 Special Session]** (*Patron: Howell*)

### **HB 1810 Voter registration; failure of online voter registration system, deadline extension.**

Amends § 24.2-416 of the Code of Virginia to provide that in the event that a failure of the Virginia online voter registration system occurs prior to the close of registration records, the Governor has the authority to order the online voter registration system to be available for registration activities after the date for closing the registration records for a period of time equal to the amount of time during which the online voter registration system was unavailable for registration activities, rounded up to the nearest whole day, plus an additional day to allow for voter education efforts. The extension of registration activities shall apply to in-person registration and mail voter registration applications. (*Patron: VanValkenburg*)

### **HB 1888 Absentee voting; procedural and process reforms, availability and accessibility reforms, penalty.**

Amends §§ 24.2-101, 24.2-416.1, 24.2-603, and other sections of the Code of Virginia to make various reforms to absentee voting processes and procedures. The bill requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations for the return of voted absentee ballots. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. Additionally, a voter who has applied for and received an absentee ballot may choose to instead vote at his polling place on election day, and such voter shall be entitled to cast a provisional ballot. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. Restrictions on the availability of absentee voting for first-time voters who registered by mail are repealed. (*Patron: VanValkenburg*)

### **HB 1890 / SB 1395 Discrimination; prohibited in voting and elections administration, etc.**

Amends §§ 24.2-105, 24.2-306, 24.2-649, 24.2-1000, 24.2-1005, and 24.2-1005.1 of the



Code of Virginia and adds several sections to prohibit any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. The bill authorizes the Attorney General to commence civil actions when there is reasonable cause to believe that a violation of an election law has occurred and the rights of any voter or group of voters have been affected by the violation. Civil penalties assessed as a result of such action are payable to the Voter

Education and Outreach Fund, established by the bill. (*Patrons: Price and McClellan*)

**HB 1921 Assistance for certain voters; curbside voting.**

Amends §§ 24.2-638, 24.2-646.1, and 24.2-649 of the Code of Virginia and adds § 24.2-649.1 to clarify that any voter with a permanent physical disability, temporary physical disability, or injury is entitled to vote outside of the polling place. The bill further provides that during a declared state of emergency related to a communicable disease of public health threat, any voter is entitled to vote outside of the polling place. The bill requires that the area designated for voting outside of the polling place be clearly marked and instructions on how the voter is to notify an officer of election of his request to vote outside of the polling place be prominently displayed. (*Patron: Price*)

**HB 1968 Absentee voting; availability on Sundays in office of general registrar or voter satellite office.**

Amends § 24.2-701.1 of the Code of Virginia to permit the electoral board or general registrar of a county or city to provide absentee voting in person in the office of the general registrar or voter satellite office on Sundays. (*Patron: Bagby*)

**HB 2020 Nomination of candidates for elected offices; restrictions on nomination method selected.**

Amends § 24.2-509 of the Code of Virginia to provide that a method of nomination for elected office may not be selected if such method will have the practical effect of excluding participation in the nominating process by qualified voters who are otherwise eligible to participate in the process under the party's rules but are unable to attend meetings because they are (i) a member of a uniformed service on active duty, (ii) temporarily residing outside of the United States, (iii) a student attending a school or institution of higher education, (iv) a person with a disability, or (v) a person who has a communicable disease

of public health threat or who may have come in contact with a person with such disease. However, such restriction does not apply when selecting a candidate for a special election or nominating a candidate, or in the event that no candidate files the required paperwork by the prescribed deadline. The bill has a delayed effective date of January 1, 2024. *(Patron: Helmer)*

**HB 2081 Polling places; prohibited activities, unlawful possession of a firearm, penalty.**

Amends §§ 24.2-604, 24.2-671, and 24.2-802.1 of the Code of Virginia to prohibit any person from knowingly possessing a firearm within 40 feet of any building, or part thereof, used as a polling place, including one hour before and one hour after its use as a polling place, except for (i) a qualified law-enforcement officer or retired law-enforcement officer, (ii) any person occupying his own private property that falls within 40 feet of the polling place, or (iii) a licensed armed security officer whose employment or performance of his duties occurs within 40 feet of the polling place. The bill further provides that no person shall knowingly possess a firearm within 40 feet of a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election or any place used as the setting for a recount. A violation of the provisions of the bill is a Class 1 misdemeanor. *(Patron: Levine)*

**HB 2125 Voter registration; preregistration of persons 16 years of age or older, effective date.**

Amends § 24.2-404 of the Code of Virginia and adds § 24.2-403.1 to permit 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 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 has a delayed effective date of October 1, 2022. *(Patron: Lopez)*

**HB 2198 Local elections for governing bodies; elections for school boards, qualification of voters.**

Amends §§ 15.2-1400, 22.1-29, 24.2-218, 24.2-222, and 24.2-223 of the Code of Virginia to provide that in a locality that imposes district-based or ward-based residency requirements for members of the governing body or school board, the member elected from each district or ward is to be elected by the qualified voters of that district or ward and not by the locality at large. The bill has a delayed effective date of January 1, 2022. *(Patron: Convirs-Fowler)*

**SB 1097 Absentee voting; witness signature not required.**

Amends § 24.2-707 of the Code of Virginia to provide that a voter's failure to have a witness sign the absentee ballot envelope for any election held during a declared state of emergency related to a communicable disease of public health threat shall not be considered a material omission and shall not render the ballot void. The bill directs the Department of Elections to convene a work group to consider and evaluate alternatives to the witness signature requirement for election officials to use to verify that an absentee ballot was cast by the voter identified as having requested and received such ballot. *(Patron: Favola)*

**SB 1111 Elections; preservation of order at the polls, powers of officers of election.**

Amends § 24.2-606 of the Code of Virginia to remove the power of officers of election, in the event that no law-enforcement officer is in attendance, to appoint a person who is not a law-enforcement officer to have all the powers of a law-enforcement officer within the polling place and the prohibited area. *(Patron: Spruill)*

**SB 1148 Elections; date of June primary election.**

Amends §§ 24.2-311, 24.2-503, 24.2-507, 24.2-510, 24.2-515, and 24.2-515.1 of the Code of Virginia, to change the date of the primary election held in June from the second to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date. *(Patron: Kiggans)*

**SB 1157 Municipal elections; shifting elections to November.**

Amends § 15.2-1400 of the Code of Virginia to shift all municipal elections for city and town council and school board from May to November, beginning with elections held after January 1, 2022. *(Patron: Spruill)*

**SB 1239 Absentee voting; third-party absentee ballot assembly and distribution.**

Amends § 24.2-706 of the Code of Virginia to permit a general registrar to contract with a third party for the printing, assembly, and mailing of absentee ballots. The bill directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and for those regulations to include processes to ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors. *(Patron: Bell)*

**SB 1245 Absentee voting; establishment of drop-off locations preprocessing returned absentee ballots.**

Amends §§ 24.2-603, 24.2-704, 24.2-706, 24.2-707, 24.2-709, 24.2-709.1, 24.2-710, 24.2-711, and 24.2-712 of the Code of Virginia and adds §§ 24.2-103.2 and 24.2-707.1 to require certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement. The bill provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations. Additionally, a central absentee voter precinct is required to be established in each locality;

currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct prior to the close of polls; a violation of such prohibition is a Class 1 misdemeanor. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. The Department of Elections is directed to convene a work group to consider and evaluate methods for sorting absentee ballots by precinct and reporting absentee ballot totals by precincts. *(Patron: Deeds)*

**SB 1281 General registrar; qualifications, residency.**

Amends § 24.2-110 of the Code of Virginia to exempt counties and cities with a population of 50,000 or less from the requirement that a person appointed to serve as a general registrar must be a qualified voter of the county or city for which he is appointed. Currently, such exemption applies to counties and cities with a population of 25,000 or less. *(Patron: Morrissey)*

**SB 1331 Absentee voting; accessibility for voters with a visual impairment or print disability.**

Amends § 24.2-704 of the Code of Virginia and adds § 24.2-103.2 to require the Department of Elections to make available to all localities a tool to allow voters with a visual impairment or print disability to electronically and accessibly receive and mark absentee ballots using screen reader assistive technology. On receipt of an application for an absentee ballot from an applicant who indicates that he will require assistance due to a visual impairment or print disability, the general registrar is required to offer to provide to the applicant the ballot marking tool with screen reader assistive technology. *(Patron: Reeves)*

## **Freedom of Information/ Transparency**

### **HB 1931 Virginia Freedom of Information Act; public body authorized to conduct electronic meetings.**

Amends § 2.2-3708.2 of the Code of Virginia to authorize a public body to conduct through electronic communication means a meeting for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. The bill also clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25 percent of the meetings held that calendar year rounded up to the next whole number, whichever is greater. *(Patron: Levine)*

### **HB 2004 Virginia Freedom of Information Act; law-enforcement criminal incident information, criminal files.**

Amends §§ 2.2-3704, 2.2-3706, 2.2-3711, 2.2-3714, 19.2-174.1, and 19.2-368.3 of the Code of Virginia and adds § 2.2-3706.1 to add criminal investigative files, defined in the bill, relating to a criminal investigation or proceeding that is not ongoing, also defined in the bill, to the types of law-enforcement and criminal records required to be released in accordance with the provisions of the Virginia Freedom of Information Act. Under current law, the release of criminal investigative files is discretionary. The bill provides that the mandatory release of criminal incident information relating to felony offenses and criminal investigative files shall not be required if the release of such information would likely affect certain results, outlined in the bill. The bill also extends the amount of additional time a public body has to respond, in the case of a request for certain criminal investigative files, from an additional

seven work days to an additional 60 work days as long as the public body has communicated to the requester within the initial allowable five-work-day response period that it is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period.

*(Patron: Hurst)*

### **HB 2025 Virginia FOIA; record exclusion for personal contact information provided to a public body.**

Amends § 2.2-3705.1 of the Code of Virginia to provide that personal contact information provided to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members is excluded from the mandatory disclosure provisions of FOIA, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. Currently, the law provides protections for personal contact information provided to a public body, not to its members; only applies to electronic mail; and requires the electronic mail recipient to request the public body not to disclose his personal contact information in order for the information to be exempt from mandatory disclosure. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*(Patron: Gooditis)*

### **SB 1271 Virginia Freedom of Information Act; meetings held through electronic communication.**

Amends § 2.2-3708.2 of the Code of Virginia to allow a public body, or a joint meeting thereof, to meet by electronic communication means without a quorum of the public body physically assembled at one location when a locality in which the public body is located has declared a local state of emergency, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for



the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. Under current law, public bodies may only meet in such manner when the Governor has declared a state of emergency and only for the purpose of addressing the emergency. Finally, the bill requires public bodies meeting through electronic communication means during a local or state declaration of a state of emergency to (a) make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body, and (b) provide the public with the opportunity to comment at such meetings when public comment is customarily received. *(Patron: McPike)*

**[SB 1343](#) Virginia Freedom of Information Act; proprietary records and trade secrets.**

Amends § 2.2-3705.6 of the Code of Virginia to exclude from the mandatory disclosure provisions of the Virginia Freedom of Information Act proprietary information, voluntarily provided by a private business under a promise of confidentiality from a public body, used by the public body for a carbon sequestration agreement. The bill requires the private business to specify the records for which protection is sought before submitting them to the public body and to state the reasons why protection is necessary. *(Patron: Vogel)*

## **Labor and Employment**

**[HB 5087](#) Unemployment compensation; extends date VEC is required to establish, etc., short-time compensation.**

Amends § 60.2-712 of the Code of Virginia and repeals the third and fourth enactments of Chapter 1261 of the Acts of Assembly of 2020. Repeals two sunset provisions from legislation enacted during the 2020 Regular Session of the General Assembly that, among other things, established a short-time compensation program that provides employers with the option of reducing the hours worked by employees while permitting

the employees whose hours are reduced to receive partial compensation for lost wages. The bill also extends the date by which the Virginia Employment Commission is required to establish and implement such short-time compensation program from January 1, 2021, to January 1, 2022. The bill contains an emergency clause. **[2020 Special Session]** *(Patron: Tran)*

**[HB 1814](#) Garnishment of wages; protected portion of disposable earnings.**

Amends § 34-29 of the Code of Virginia to provide that the Virginia minimum hourly wage shall be used to calculate the amount of a person's aggregate disposable earnings protected from garnishment if it is greater than the federal minimum hourly wage. *(Patron: Krizek)*

**[HB 1818](#) / [SB 1275](#) Workers' compensation; presumption of compensability for certain diseases.**

Amends § 65.2-402 of the Code of Virginia to provide that the occupational disease presumption for death caused by hypertension or heart disease will apply for salaried or volunteer emergency medical services personnel who have at least five years of service and are operating in a locality that has legally adopted a resolution declaring that it will provide one or more of such presumptions. The provisions of the bill do not apply to any individual who was diagnosed with hypertension or heart disease before July 1, 2021. *(Patrons: Heretick and Marsden)*

**[HB 1848](#) Virginia Human Rights Acts; adds discrimination on the basis of disability.**

Amends §§ 2.2-3902, 2.2-3905, and 51.5-41 of the Code of Virginia and adds § 2.2-3905.1 to add discrimination on the basis of disability as an unlawful discriminatory practice under the Virginia Human Rights Act. The bill also requires employers, defined in the bill, to make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if 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, 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, or from requiring an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability. (*Patron: Sickles*)

**[HB 1862](#) Employee protections; medicinal use of cannabis oil.**

Amends the Code of Virginia by adding a section numbered 40.1-27.4 to prohibit an employer from discharging, disciplining, or discriminating against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease. The bill provides that such prohibition does not (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours; (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding; or (iii) require any defense industrial base sector employer or prospective employer to hire or retain any applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of certain amounts. (*Patron: Helmer*)

**[HB 1985](#) Workers' compensation; presumption of compensability for COVID-19.**

Amends § 65.2-402.1 of the Code of Virginia to establish a presumption that COVID-19 causing the death or disability of health care providers is an occupational disease compensable under the Workers' Compensation Act. The bill

provides that the COVID-19 virus is established by a positive diagnostic test for COVID-19 and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to July 1, 2020, either of the following criteria must be met, and on or after July 1, 2020, and prior to December 31, 2021, both of the following criteria must be met: (i) the claimant received a positive diagnosis of COVID-19 from a licensed physician, nurse practitioner, or physician assistant after either a presumptive positive test or a laboratory-confirmed test for COVID-19 and (ii) the claimant presented with signs and symptoms of COVID-19 that required medical treatment. The bill provides that such presumptions do not apply to any person offered by his employer a vaccine for the prevention of COVID-19 unless the person is immunized or the person's physician determines in writing that immunization would pose a significant risk to the person's health. (*Patron: Hurst*)

**[HB 2036](#) Virginia Employment Commission; communications with parties, use of electronic means.**

Amends the Code of Virginia by adding § 60.2-121.1 to authorize the Virginia Employment Commission to send notices and other communications related to claims brought under the Virginia Unemployment Compensation Act through email or other electronic means in lieu of mail if a party to the claim so elects. The bill requires the Commission, if an electronic communication fails to be transmitted successfully, to send a new notice by first-class mail to the party's alternative address on record. The bill directs the Commission to report the number of unemployment insurance claimants who elect to receive communications electronically, and the effect of this change on Commission operations, by December 31, 2022. (*Patron: Tran*)

**HB 2040 Unemployment compensation; continuation of benefits, repayment of overpayments.**

Amends §§ 60.2-619 and 60.2-633 of the Code of Virginia to provide that when a claimant has had a determination of initial eligibility for unemployment benefits, as determined by the issuance of compensation or waiting-week credit, payments shall continue, subject to a presumption of continued eligibility, until a determination is made that provides the claimant notice and an opportunity to be heard. The bill requires the Virginia Employment Commission to waive the obligation to repay any overpayment if (i) the overpayment was made without fault on the part of the individual and (ii) requiring repayment would be contrary to equity and good conscience. Overpayments shall not be considered “without fault on the part of the individual” if the overpayment was the result of (a) a reversal in the appeals process, unless the employer failed to respond timely or adequately; (b) a programming, technological, or automated system error that results in erroneous payments to a group of individuals; or (c) fraud.

The bill also provides that the Commission shall notify each person with an unpaid overpayment of benefits that he may be entitled to a waiver of repayment and provide 30 days to request such a waiver. The bill applies to overpayments established for the week commencing March 15, 2020, through the week commencing June 26, 2021, and only to those overpayments that remain outstanding as of July 1, 2021. Amounts already paid or collected against such overpayments shall not be reimbursed to the claimant, except for benefits paid under the Pandemic Unemployment Assistance program. The bill allows the Commission to suspend or forgo referring any overpayment to the collections process. The bill provides that all costs to the Unemployment Compensation Fund (the Fund) resulting from the provisions of the bill for overpayments of benefits shall be reimbursed to the Fund from the general fund in the general appropriation act and that employers are not responsible for reimbursing benefits

or benefits charges except when the employer failed to respond timely or adequately. The provisions of the bill expire on July 1, 2022. *(Patron: Hudson)*

**HB 2063 Virginia Overtime Wage Act; overtime compensation employees, definitions, penalties.**

Amends §§ 40.1-29 and 40.1-29.1 of the Code of Virginia and adds § 40.1-29.2 to require an employer to compensate certain employees at a rate not less than one and one-half times the employee’s regular rate of pay, defined in the bill, for any hours worked in excess of 40 hours in any one workweek. The bill includes provisions for calculating overtime premiums due to fire protection and law-enforcement employees by certain public sector employers. The penalties provided by the bill for an employer’s failure to pay such overtime wages, including civil and criminal penalties, are the same as currently provided for failing to pay wages generally. The statute of limitations for bringing a claim for a violation of the bill is three years. *(Patron: Mullin)*

**HB 2207/SB 1375 Workers’ compensation; presumption of compensability for COVID-19.**

Amends § 65.2-402.1 of the Code of Virginia to establish a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, correctional officers, and regional jail officers is an occupational disease compensable under the Workers’ Compensation Act. The bill provides that such presumption applies to any death or disability occurring on or after July 1, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after July 1, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. *(Patrons: Jones and Saslaw)*

**HB 2321 Labor, Secretary of; position created in Governor's Cabinet.**

Amends §§ 2.2-200, 2.2-204, 2.2-205, 2.2-205.1, 2.2-435.6, 2.2-435.8, 2.2-435.9, 2.2-435.10, 2.2-2471, 2.2-2471.1, 2.2-2472, 2.2-2472.2, 2.2-2472.3, and 30-377 of the Code of Virginia; adds §§ 2.2-214.2 and 2.2-214.3; and repeals § 2.2-435.7. Creates in the Governor's Cabinet the position of Secretary of Labor. The bill transfers from the Secretary of Commerce and Trade to the Secretary of Labor responsibility for the Department of Labor and Industry, the Department of Professional and Occupational Regulation, and the Virginia Employment Commission. The bill removes the position of Chief Workforce Development Advisor and reassigns its duties to the Secretary of Labor. The bill also adds the Secretary of Labor to the Governor's comprehensive economic development policy committee. *(Patron: Simonds)*

**SB 1219 Paid family and medical leave; SCC's Bureau of Insurance to review and make recommendations, report.**

Directs the State Corporation Commission's Bureau of Insurance (the Bureau) to review and make policy recommendations to meet the goals identified in the "Paid Family and Medical Leave Study" published by the Offices of the Secretary of Commerce and Trade and the Chief Workforce Development Advisor in September 2020 as part of a statewide paid family and medical leave program to be administered by the Commonwealth. The bill requires the Bureau to convene a stakeholder group to participate in the process, which is required to include representatives from the insurance industry and the business community, labor organizations, advocates for paid family leave, and other interested parties. The bill requires the Bureau to report its findings and recommendations to the Senate Committees on Commerce and Labor and Finance and Appropriations and the House Committees on Labor and Commerce and Appropriations by November 30, 2021. *(Patron: Favola)*

**SB 1351 Workers' compensation; claims not barred.**

Amends the Code of Virginia by adding § 65.2-706.2, relating to workers' compensation; to provide that an order issued by the Workers' Compensation Commission awarding or denying benefits shall not bar by res judicata any claim by an employee or cause a waiver, abandonment, or dismissal of any claim by an employee if the order does not expressly adjudicate such claim. *(Patron: Lewis)*

**SB 1473 Health Insurance Reform Commission; mandated health insurance benefit or provider.**

Amends § 30-343 of the Code of Virginia to provide that, for the purposes of the requirement that the Chair of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor refer certain legislation regarding a mandated health insurance benefit or provider to the Health Insurance Reform Commission for review, "mandated health insurance benefit or provider" means coverage required under the laws of the Commonwealth to be provided in a policy of accident and sickness insurance or a contract for a health-related condition that (i) includes coverage for specific health care services or benefits; (ii) places limitations or restrictions on deductibles, coinsurance, copayments, or any annual or lifetime maximum benefit amounts; or (iii) includes a specific category of licensed health care practitioners from whom an insured is entitled to receive care. *(Patron: Saslaw)*

**Procurement**

**HB 5050 / SB 5039 Emergency Services and Disaster Law; powers and duties of Governor, purchase of PPE.**

Amends §§ 2.2-4343 and 44-146.17 of the Code of Virginia to grant the Governor authority during a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared to establish a program through which the Governor may purchase personal protective equipment



(PPE) for private, nongovernmental entities and distribute the PPE to such private, nongovernmental entities. The bill exempts the Governor's procurement of such PPE from the provisions of the Virginia Public Procurement Act, but requires the Governor to provide for competition where practicable and include a written statement regarding the basis for awarding any contract. The bill also requires the Department of Emergency Management to consult with and survey private, nongovernmental entities prior to implementing any such program in order to assess demand for participation in the program, as well as the quantity and types of personal protective equipment such entities would like to procure. **[2020 Special Session]** *(Patrons: Helmer and Marsden)*

**HB 1811 Virginia Public Procurement Act; preference for energy-efficient and water-efficient goods.**

Amends the Code of Virginia by adding a section numbered 2.2-4328.1 to provide that in the course of procuring goods, if a state agency receives two or more bids for products that are Energy Star certified, meet Federal Energy Management Program (FEMP)-designated efficiency requirements, appear on FEMP's Low Standby Power Product List, or are WaterSense certified, such state agency may only select among those bids. The bill also provides that in the course of procuring goods, if a local public body receives two or more bids for such products, such local public body may only select among those bids unless, before selecting a different bid, the local public body provides a written statement that demonstrates the cost of the products that are Energy Star certified, meet FEMP-designated efficiency requirements, appear on FEMP's Low Standby Power Product List, or are WaterSense certified was unreasonable. *(Patron: Helmer)*

**HB 2001 State and local buildings, certain; building standards.**

Amends §§ 2.2-1182 and 2.2-1183 of the Code of Virginia and adds § 15.2-1804.1 to require that any executive branch agency

or institution or locality entering the design phase for the construction of a new building greater than 5,000 gross square feet in size or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building ensure that such building has sufficient electric vehicle charging infrastructure, defined in the bill, and has features that permit the agency or institution to track the building's energy efficiency and carbon emissions. The bill authorizes the Director of the Department of General Services to grant exemptions to such standards, in writing and with certain terms. The bill requires agencies to annually report to the Governor the energy efficiency and carbon emissions metrics for each such building built or renovated.

The bill requires localities to design such building projects according to the same or similar standards, or more stringent standards if adopted by ordinance. The bill also requires that localities incorporate appropriate resilience and distributed energy features. The bill requires that any exemption from the standards granted by resolution of the governing body of a locality be made in writing and explain the basis for granting the exemption. The bill contains a delayed enactment of July 1, 2023, with respect to the provisions related to any locality with a population of less than 100,000. *(Patron: Helmer)*

## **Public Safety/Courts**

**HB 5029 Law-enforcement officer; failure to intervene in an unlawful use of excessive force, penalties.**

Amends the Code of Virginia by adding §§ 19.2-83.3, 19.2-83.4, and 19.2-83.5 to require that any law-enforcement officer who while in the performance of his official duties witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force, defined in the bill, against another person shall intervene, when such intervention is objectively reasonable and possible, to end the use of excessive force or

attempted use of excessive force, or to prevent the further use of excessive force. The bill also requires a law-enforcement officer to render aid, as circumstances objectively permit, to any person injured as the result of such use of excessive force. The bill requires a law-enforcement officer to report intervention or use of excessive force in accordance with his employing agency's policies for reporting misconduct. The bill provides that any law-enforcement officer who violates the provisions of the bill shall be subject to disciplinary action. **[2020 Special Session]** (*Patron: McQuinn*)

**HB 5045 Inmate, parolee, probationer, detainee, or pretrial defendant, etc.; carnal knowledge.**

Amends § 18.2-64.2 of the Code of Virginia to add law-enforcement officers to those persons who are guilty of a Class 6 felony if they are in a position of authority over and carnally know without force, threat, or intimidation a person detained or arrested by a law-enforcement officer or an inmate, parolee, probationer, juvenile detainee, or pretrial defendant or posttrial offender, including those in the custody of a private, local, or state law-enforcement agency. In addition, the bill adds a person in the custody of a law-enforcement officer to the list of those persons for whom it is unlawful for a person in such authority to commit the offense of carnal knowledge. **[2020 Special Session]** (*Patron: Delaney*)

**HB 5049 Law-enforcement agencies; acquisition and use of military property.**

Amends §§ 9.1-101, 9.1-102, 15.2-1123.1, and 52-11.3 of the Code of Virginia and adds §§ 2.2-5515, 15.2-1721.1, 19.2-83.3, 19.2-83.4, and 19.2-83.5 to provide that no state or local law-enforcement agency shall acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-

wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the federal government; (v) bayonets; (vi) firearms of .50 caliber or higher; (vii) ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles. These provisions do not apply to the Virginia National Guard or Virginia Defense Force. The bill prohibits the use of such military property by a law-enforcement officer unless a waiver has been granted by the Criminal Justice Services Board. The bill prohibits the use of kinetic impact munitions unless their use is necessary to protect a law-enforcement officer or another person from bodily injury. "Kinetic impact munitions" includes impact rounds and baton rounds, such as rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated projectiles. The bill directs the Department of Criminal Justice Services (the Department) to establish training standards for law enforcement on the use of kinetic impact munitions and tear gas. The bill directs the Department to adopt emergency regulations to implement the provisions of the bill. **[2020 Special Session]** (*Patron: Helmer*)

**HB 5051 Law-enforcement officers or jail officers; notice to Criminal Justice Services Board of misconduct.**

Amends §§ 9.1-102 and 15.2-1707 of the Code of Virginia to direct the Department of Criminal Justice Services to adopt standards of conduct applicable to law-enforcement and jail officers and due process procedures for decertification based on serious misconduct in violation of those standards. The bill requires any sheriff, chief of police, or agency administrator to notify the Criminal Justice Services Board in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has been terminated for engaging in misconduct, as set forth in the bill. The bill authorizes the Board to initiate decertification proceedings against any current or former law-enforcement or jail officer who has engaged in such

activities. The bill directs the Department to adopt emergency regulations to implement the provisions of the bill. **[2020 Special Session]** *(Patron: Simon)*

**HB 5055 / SB 5035 Law-enforcement civilian oversight bodies; localities may establish, duties, effective date.**

Amends §§ 9.1-507 and 15.2-1507 of the Code of Virginia and adds § 9.1-601 to authorize a locality to establish a law-enforcement civilian oversight body that may (i) receive, investigate, and issue findings on complaints from civilians regarding conduct of law-enforcement officers and civilian employees; (ii) investigate and issue findings on incidents, including the use of force by a law-enforcement officer, death or serious injury to any person held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law-enforcement officers or civilian employees; (iii) make binding disciplinary determinations in cases that involve serious breaches of departmental and professional standards; (iv) investigate policies, practices, and procedures of law-enforcement agencies and make recommendations regarding changes to such policies, practices, and procedures; (v) review all investigations conducted internally by law-enforcement agencies and issue findings regarding the accuracy, completeness, and impartiality of such investigations and the sufficiency of any discipline resulting from such investigations; (vi) request reports of the annual expenditures of law-enforcement agencies and make budgetary recommendations; (vii) make public reports on the activities of the law-enforcement civilian oversight body; and (viii) undertake any other duties as reasonably necessary for the law-enforcement civilian oversight body to effectuate its lawful purpose to effectively oversee the law-enforcement agencies as authorized by the locality. Such oversight bodies are not authorized to oversee sheriff's departments. The bill provides that a law-enforcement officer who is subject to a binding disciplinary determination may file a

grievance requesting a final hearing pursuant to the locality's local grievance procedures. The bill also provides that a retired law-enforcement officer may serve on such law-enforcement civilian oversight body as an advisory, nonvoting ex officio member. The bill has a delayed effective date of July 1, 2021. **[2020 Special Session]** *(Patrons: Herring and Hashmi)*

**HB 5058 / SB 5029 Marijuana and certain traffic offenses; issuing citations, etc,**

Amends §§ 15.2-919, 18.2-250.1, 46.2-334.01, 46.2-335, as it is currently effective and as it shall become effective, 46.2-646, 46.2-810.1, 46.2-923, 46.2-926, 46.2-1003, 46.2-1013, 46.2-1014, 46.2-1014.1, 46.2-1030, 46.2-1049, 46.2-1052, 46.2-1054, 46.2-1094, 46.2-1157, and 46.2-1300 of the Code of Virginia. Provides that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle. No evidence discovered or obtained as a result of such unlawful stop shall be admissible in any trial, hearing, or other proceeding. The bill also provides that no law-enforcement officer may lawfully stop, search, or seize any person, place, or thing solely on the basis of the odor of marijuana, and no evidence discovered or obtained as a result of such unlawful search or seizure shall be admissible in any trial, hearing, or other proceeding. The bill prohibits the enactment of a local ordinance establishing a primary offense when the corresponding provision in the Code of Virginia is a secondary offense. The bill prohibits any local ordinance relating to the ownership or maintenance of a motor vehicle from being cause to stop or arrest a driver of a motor vehicle unless such violation is a jailable offense. The bill prohibits a law-enforcement officer from stopping a pedestrian for jaywalking or entering a highway where the pedestrian cannot be seen.

The bill provides that law-enforcement officers are not permitted to stop a motor vehicle for an expired safety inspection or registration sticker until the first day of the fourth month after the original expiration date. The bill also provides that no evidence discovered or obtained due to an impermissible stop, including evidence obtained with the person's consent, is admissible in any trial, hearing, or other proceeding. **[2020 Special Session]** (*Patrons: Hope and Lucas*)

**HB 5062 Court authority in criminal cases; prosecutorial discretion to dispose of a criminal case.**

Amends §§ 16.1-69.48:1, 17.1-275.1, 17.1-275.2, 17.1-275.7, 19.2-265.6, 19.2-303.4, 19.2-335, and 19.2-336 of the Code of Virginia and adds § 19.2-298.02 to require a court to grant a motion to dismiss made by the Commonwealth, whether with or without prejudice, and with the consent of the defendant unless the court finds by clear and convincing evidence that the motion was made as the result of (i) bribery or (ii) bias or prejudice toward a victim because of the race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin of the victim. The bill provides that, upon the agreement of the Commonwealth and the defendant, a trial court may defer proceedings; defer entry of a conviction order, if none, or defer entry of a final order; and continue the case for final disposition, on such reasonable terms and conditions as may be agreed upon by the parties. **SB 5033** (Surovell) is similar. **[2020 Special Session]** (*Patron: Mullin*)

**HB 5069 Law-enforcement officers; prohibition on the use of neck restraints, exception, penalties.**

Amends the Code of Virginia by adding in §§ 19.2-83.3, 19.2-83.4, and 19.2-83.5 to prohibit a law-enforcement officer from using a neck restraint in the performance of his official duties and provides for disciplinary sanctions on an officer who uses a neck restraint. The bill provides an exception from the prohibition if a neck restraint is immediately necessary

to protect the officer or another person. The bill defines "neck restraint" as the use of any body part or object to attempt to control or disable a person by applying pressure against the neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting the person's blood flow or breathing, including chokeholds, carotid restraints, and lateral vascular neck restraints. **[2020 Special Session]** (*Patron: Carroll Foy*)

**HB 5072 / SB 5024 Law-enforcement; Attorney Gen. authorized to file civil suit or inquire into any unlawful practice.**

Amends § 2.2-520 of the Code of Virginia and adds § 2.2-511.1 to authorize the Attorney General to file a civil suit or inquire into or seek to conciliate, through the Division of Human Rights, any unlawful pattern and practice against the Commonwealth or a locality whenever the Attorney General has reasonable cause to believe that law-enforcement officers of any agency of the Commonwealth or any locality are engaging in a pattern or practice that deprives persons of rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth. The bill also empowers the Attorney General to issue a civil investigative demand if the Attorney General has reasonable cause to believe that an unlawful pattern and practice violation has occurred. The bill authorizes the Attorney General to enter into a conciliation agreement with a locality to resolve an unlawful pattern and practice, and provides that such agreement may include a court-enforceable deprivation of certain local funds if the locality fails to abide by the agreement. **[2020 Special Session]** (*Patrons: Lopez and Lucas*)

**HB 5098 Hate crimes; falsely summoning or giving false reports to law-enforcement officials, penalty.**

Amends § 18.2-461 of the Code of Virginia to increase the penalty for falsely summoning or giving false reports to law-enforcement officials from a Class 1 misdemeanor to a Class 6 felony



when a person intentionally gives a false report as to the commission of any crime to any law-enforcement official, causes another to give a false report to any law-enforcement official, or calls or summons any law-enforcement official against another person because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin. **[2020 Special Session]** *(Patron: Askew)*

**HB 5099 Search warrants; provide notice of authority.**

Amends § 19.2-56 of the Code of Virginia to prohibit any law-enforcement officer from seeking, executing, or participating in the execution of a no-knock search warrant. The bill provides that, for all authorized search warrants, the law-enforcement officer be recognizable and identifiable as a uniformed law-enforcement officer and that he provide audible notice of his authority and purpose reasonably expected to be heard by occupants of such place to be searched prior to the execution of such search warrant. It also requires that after entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place to be searched is unoccupied, the executing law-enforcement officer shall leave a copy of the search warrant suitably affixed to the place to be searched. The bill requires search warrants to be executed only in the daytime unless (i) a judge or magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for good cause shown or (ii) the search warrant is for the withdrawal of blood. **[2020 Special Session]** *(Patron: Aird)*

**HB 5104 Law-enforcement officers, deputy sheriff, etc.; minimum qualifications, disclosure of information.**

Amends §§ 9.1-102, 15.2-1705, and 15.2-

1709 of the Code of Virginia to provide that any sheriff or chief of police, the director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers, and the Director of the Department of Criminal Justice Services shall disclose to a prospective law-enforcement or jail employer any information (i) related to an arrest or prosecution of a former police officer, deputy sheriff, or jail officer, including expunged information; (ii) related to a civil suit regarding a former police officer's, deputy sheriff's, or jail officer's employment or performance of his duties; (iii) obtained during the course of any internal investigation related to a former police officer's, deputy sheriff's, or jail officer's alleged criminal conduct, use of excessive force, or other official misconduct in violation of the state professional standards of conduct; and (iv) related to a former police officer, deputy sheriff, or jail officer's job performance that led to dismissal, demotion, suspension, or transfer. The bill further provides that no police officer, deputy sheriff, or jail officer may be employed by another law-enforcement agency or jail until the requested information is received from all prior employing agencies in the Commonwealth. The bill authorizes a hiring law-enforcement agency or jail to require a candidate for employment to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychiatrist or a licensed clinical psychologist. The bill requires the Department of Criminal Justice Services to establish guidelines for such examinations. **[2020 Special Session]** *(Patron: Price)*

**HB 5108 Criminal Justice Services Board and Committee on Training; change in membership & responsibilities.**

Amends §§ 9.1-108 and 9.1-112 of the Code of Virginia to change the membership of the Criminal Justice Services Board and its Committee on Training by requiring that some members be representatives of a social justice organization, representatives of community interests of minorities, and mental

health service providers. The bill requires that the Committee on Training include a representative from the Virginia Indigent Defense Commission, a representative of the community interests of minorities, and a mental health service provider. In addition, the bill permits the Committee on Training to appoint curriculum review committees. **[2020 Special Session]** (*Patron: Guzman*)

**HB 5109 Law-enforcement officer training & qualifications; DCJS to develop uniform curriculum & plans, etc.**

Amends §§ 9.1-102 and 15.2-1705 of the Code of Virginia and adds § 9.1-112.1 to require the Department of Criminal Justice Services (the Department) to develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training. The bill also requires the Department to include the recognition of implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability in its (i) training standards and model policies; (ii) compulsory training standards for basic training and recertification of law-enforcement officers; and (iii) operating procedures, guidelines, and standards for community policing in order to ensure sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for bias-based profiling. The bill also requires the Department to include training in de-escalation techniques and training in the lawful use of force, including the use of force only when necessary to protect the law-enforcement officer or another person in the compulsory training standards for basic training and recertification.

The bill requires the Department to establish compulsory in-service training standards for law-enforcement officers in the following subjects: (a) relevant state and federal laws; (b) awareness of cultural diversity and the potential for bias-based profiling; (c) de-escalation techniques; (d) working with

individuals with disabilities, mental health needs, or substance use disorders; and (e) the lawful use of force, including the use of deadly force only when necessary to protect the law-enforcement officer or another person. In addition, the bill adds to the minimum qualifications to become a law-enforcement officer or a jail officer the requirement that such person undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychologist or other licensed mental health professional

The bill requires the Department to establish requirements for compulsory mental health examinations for law-enforcement officers, jail officers, and correctional officers that include guidelines on the implementation of such mental health examinations.

Finally, the bill requires any criminal justice training academy approved by the Department to employ such uniform curriculum and lesson plans and requires the Department to conduct annual evaluations of each criminal justice training academy's compliance with uniform curriculum and lesson plans. The bill allows an approved criminal justice training academy to petition the Department for a waiver and requires the Department to grant a waiver if the academy meets and exceeds compulsory minimum training standards and substantially complies with the content of uniform curriculum and lesson plans developed by the Department. **[2020 Special Session]** (*Patron: Hope*)

**SB 5007 Criminal cases; sentencing reform, procedure for trial by jury, etc.**

Amends §§ 19.2-264.3, 19.2-288, 19.2-295, 19.2-295.1, and 19.2-295.3 of the Code of Virginia to provide that in a criminal case the court shall ascertain the extent of the punishment unless the accused has requested that the jury ascertain punishment or was found guilty of capital murder. The bill also provides that if a jury cannot agree on a punishment, the court shall fix punishment. The bill has a delayed effective date of July 1, 2021. **[2020 Special Session]** (*Patron: Morrissey*)

**SB 5013 Marijuana; possession, violations by an adult shall be prepayable.**

Amends § 18.2-250.1 of the Code of Virginia, to provide that a violation of possession of marijuana by an adult shall be a prepayable offense. **[2020 Special Session]**  
(Patron: Stuart)

**SB 5014 Law-enforcement officers; officers to complete crisis intervention training.**

Amends §§ 9.1-102 and 9.1-188 of the Code of Virginia to require all law-enforcement officers involved in a crisis intervention team program to complete a comprehensive advanced training course developed by the Department of Criminal Justice Services. The bill also directs the Department to develop modules of principles-based training to be included as part of compulsory minimum training standards subsequent to employment as a law-enforcement officer and as part of basic training and the recertification of law-enforcement officers. The bill also requires the Department to establish training standards for law-enforcement personnel concerning sensitivity and awareness of systemic and individual racism and the potential for bias-based profiling. **[2020 Special Session]**  
(Patron: Edwards)

**SB 5017 Correctional facility, local; clarifies definition.**

Amends § 53.1-1 of the Code of Virginia to provide that, for purposes of minimum standards for correctional facilities and enforcement of those standards, the term “local correctional facility” shall also include any facility owned, maintained, or operated by any political subdivision or combination of political subdivisions of the Commonwealth that is used for the detention or incarceration of people pursuant to a contract or third-party contract with the federal government or any agency or contractor thereof. **[2020 Special Session]**  
(Patron: Boysko)

**SB 5018 Terminally ill prisoners; conditional release.**

Amends the Code of Virginia by adding § 53.1-

40.02 to provide that any person serving a sentence imposed upon a conviction for a felony offense other than those enumerated in the bill as exceptions to eligibility and who is terminally ill as defined in the bill is eligible for consideration by the Parole Board for conditional release. **[2020 Special Session]**  
(Patron: Bell)

**SB 5030 Policing reform; acquisition of military property, training of officers in de-escalation techniques.**

Amends §§ 9.1-101, 9.1-102, 9.1-108, 9.1-112, 15.2-1123.1, 15.2-1609.10, 15.2-1705, 15.2-1707, 15.2-1709, 15.2-1722.1, 18.2-64.2, 19.2-56, 19.2-201, 52-11.3, 52-30.2, 52-30.3, and 52-30.4 of the Code of Virginia and adds §§ 2.2-5515, 9.1-112.1, 15.2-1721.1, and 19.2-83.3 through 19.2-83.7. Adds law-enforcement officers to those persons who are guilty of a Class 6 felony if they are in a position of authority over and carnally know without force, threat, or intimidation a person detained or arrested by a law-enforcement officer or an inmate, parolee, probationer, juvenile detainee, or pretrial defendant or posttrial offender, including those in the custody of a private, local, or state law-enforcement agency. In addition, the bill adds a person in the custody of a law-enforcement officer to the list of those persons for whom it is unlawful for a person in such authority to commit the offense of carnal knowledge.

The bill also requires that a law-enforcement officer provide audible notice of his authority and purpose prior to the execution of a search warrant and that such warrants shall only be executed during the daytime unless a judge, or a magistrate if a judge is not available, authorizes the execution of such search warrant at another time for good cause shown. The bill creates an exception to this requirement for a search warrant for the withdrawal of blood.

The bill also requires the Criminal Justice Services Board (the Board) to adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers. The bill requires any

sheriff, chief of police, or agency administrator to notify the Board in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has been found to have engaged in serious misconduct. The bill authorizes the Board to initiate decertification proceedings against any current or former law-enforcement or jail officer who has engaged in serious misconduct as defined in such statewide professional standards of conduct.

The bill also provides that any sheriff or chief of police, any director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers, and the Director of the Department of Criminal Justice Services shall disclose to a prospective law-enforcement or jail employer (i) any information related to an arrest or prosecution of a former appointee or employee, including expunged information, known or disclosed to the agency; (ii) any information related to a civil suit regarding a former appointee's or employee's employment or performance of his duties; (iii) any information obtained during the course of any internal investigation related to a former appointee's or employee's alleged criminal conduct, use of excessive force, or other official misconduct; and (iv) any information related to a former police officer, deputy sheriff, or jail officer's job performance that led to such officer's or deputy sheriff's resignation, dismissal, demotion, suspension, or transfer. The bill requires candidates for employment to undergo a psychological examination.

The bill adds requirements for training in de-escalation techniques and the lawful use of force to the compulsory training standards developed by the Department of Criminal Justice Services for basic training and recertification of law-enforcement officers. The bill provides that a law-enforcement officer shall not use deadly force against a person unless (a) the law-enforcement officer reasonably believes that deadly force is immediately necessary to protect the law-enforcement officer or another person, other than the subject of the use of deadly force,

from the threat of serious bodily injury or death; (b) the law-enforcement officer has provided a warning before using such deadly force; (c) the law-enforcement officer's actions are reasonable, given the totality of the circumstances; and (d) all other options have been exhausted or do not reasonably lend themselves to the circumstances. The bill also prohibits the use of neck restraints by law-enforcement officers unless the use of a neck restraint is immediately necessary to protect the law-enforcement officer or another person. The bill bans law-enforcement officers from willfully discharging a firearm into or at a moving vehicle. The bill also requires that law-enforcement officers intervene and render aid if they observe another law-enforcement officer using an unlawful use of force.

The bill also revises the basic training and recertification requirement for training in sensitivity to and awareness of cultural diversity and the potential for biased policing to include (1) awareness of racism and the potential for racially biased policing and (2) recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability.

The bill also expands the required law-enforcement data collection for motor vehicle stops to include all investigatory motor vehicle stops, all stop-and-frisks based on reasonable suspicion, and all investigatory detentions that do not result in an arrest or summons. The provisions requiring data collection become effective on July 1, 2021.

The bill also prohibits the Department of State Police and other law-enforcement agencies from acquiring from the Department of Defense (A) weaponized unmanned aerial vehicles; (B) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (C) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (D) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the federal



government; (E) bayonets; (F) firearms of .50 caliber or higher; (G) ammunition of .50 caliber or higher; or (H) weaponized tracked armored vehicles.

The bill also requires every chief law-enforcement officer, defined in the bill, to provide the attorney for the Commonwealth access to all records relating to wrongful arrest or use of force complaints, or other complaints that a person has been deprived of the rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth made against a law-enforcement officer that is employed by the chief law-enforcement officer's agency when such law-enforcement officer has a matter before the court.

The bill also changes the membership of the Criminal Justice Services Board and its Committee on Training by adding four members and requiring that one member shall be an attorney representing the Virginia Indigent Defense Commission, one shall be a mental health service provider, one shall represent a social justice organization, and two shall represent community interests, at least one of whom shall represent the community interests of minority individuals. The bill further permits the Committee on Training to appoint curriculum review committees and requires the Committee on Training to provide an opportunity for public comment on any proposed change to any training standards promulgated for law-enforcement officers.

The bill requires the Department of Criminal Justice Services to develop uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department of Criminal Justice Services when conducting training. The bill requires any criminal justice training academy approved by the Department of Criminal Justice Services to employ such uniform curriculum and lesson plans and requires the Department of Criminal Justice Services to conduct annual evaluations of each criminal justice training academy's compliance with uniform curriculum

and lesson plans. **[2020 Special Session]** (*Patron: Locke*)

**SB 5034 Terminally ill prisoners; conditional release, sentence credits.**

Amends § 53.1-202.3 of the Code of Virginia and adds § 53.1-40.02 to provide that any person serving a sentence imposed upon a conviction for a felony offense other than those enumerated in the bill as exceptions to eligibility and who is terminally ill as defined in the bill is eligible for consideration by the Parole Board for conditional release. The bill also establishes a four-level classification system for the awarding and calculation of earned sentence credits. The bill specifies certain crimes that are subject to the maximum 4.5 earned sentence credits for each 30 days served that is permitted under current law. The bill provides that the Department of Corrections shall convene in due course a work group to study the impact of the sentence credit amendments set forth in the bill. The bill directs the work group to report to the Governor and the General Assembly by July 1, 2021, the membership of the work group and the work group's plan for conducting such study, including any data and information upon which the work group will rely in conducting such study, and to report its finding and conclusions to the Governor and the General Assembly by December 1, 2022. The remainder of the bill has a delayed effective date of January 1, 2022, and requires the calculation of earned sentence credits to apply retroactively to the entire sentence of any inmate who is confined in a state correctional facility and participating in the earned sentence credit system on January 1, 2022. **[2020 Special Session]** (*Patron: Boysko*)

**HB 1821 Overdoses; prohibits arrest and prosecution when experiencing or reporting.**

Amends § 18.2-251.03 of the Code of Virginia to prohibit the arrest or prosecution of an individual 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, in good faith, renders emergency care or assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or obtains emergency medical attention; (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 the individual's rendering emergency care or assistance. *(Patron: Bulova)*

**HB 1866 Court-appointed special advocates; information sharing.**

Amends §§ 9.1-153 and 9.1-156 of the Code of Virginia to permit court-appointed special advocates to participate in and verbally share information with family partnership meetings and in meetings of family assessment and planning teams, multidisciplinary child sexual abuse response teams, individualized education program teams, and multidisciplinary teams related to child abuse. *(Patron: Delaney)*

**HB 1990 Criminal justice legislation; racial and ethnic impact statements.**

Amends the Code of Virginia by adding § 30-19.1:13 to provide that the Chair of the House Committee for Courts of Justice or the Chair of the Senate Committee on the Judiciary may request the Joint Legislative Audit and Review Commission (JLARC) to review and prepare a racial and ethnic impact statement for a proposed criminal justice bill to outline its potential impact on racial and ethnic disparities within the Commonwealth. The bill requires JLARC to provide copies of the impact statement to the requesting chair and the patron of the proposed bill. No more than three racial and ethnic impact statements may

be requested by each chair for completion during a single regular session of the General Assembly. *(Patron: Aird)*

**HB 2012 Protective orders; violations of preliminary child protective order, changes punishment, etc.**

Amends §§ 16.1-253 and 16.1-253.2 of the Code of Virginia to change the punishment and sentencing requirements for a violation of a preliminary child protective order so that the maximum penalty is a Class 1 misdemeanor and the court is no longer required to enter a permanent family abuse protective order (i.e., a protective order with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order. The bill provides that a violation of a preliminary child protective order is punishable as contempt of court; however, if the violation involves an act or acts of commission or omission that endanger the child's life, health, or normal development or result in bodily injury to the child, it is punishable as a Class 1 misdemeanor. Under current law, violations of preliminary child protective orders constitute contempt of court and are also subject to the same penalties as violations of preliminary, emergency, and permanent family abuse protective orders, including enhanced penalties for certain violations. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. This legislation is superseded by SB 1415 (Stanley). *(Patron: Campbell, J.L.)*

**HB 2017 Juvenile offenders; youth justice diversion programs.**

Amends § 16.1-260 of the Code of Virginia and adds § 16.1-309.11 to authorize any jurisdiction to establish a youth justice diversion program, defined in the bill as a diversionary program that (i) is monitored by a local youth justice diversion program advisory committee; (ii) uses juvenile volunteers as lawyers, jurors, and other court personnel; (iii) uses volunteer attorneys as judges; (iv) conducts peer trials, subject to the juvenile and domestic relations court's jurisdiction,

of juveniles who are referred to the program by an intake officer; and (v) imposes various sentences emphasizing restitution, rehabilitation, accountability, competency building, and education, but not incarceration

The bill provides that a jurisdiction may establish a youth justice diversion program upon establishment of a local youth justice diversion program advisory committee and approval of the program by the chief judge of the juvenile and domestic relations court that serves such jurisdiction. The bill requires each local youth justice diversion program advisory committee to establish criteria for the eligibility and participation of juveniles alleged to have committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor if committed by an adult, with the consent of the juvenile's parent or legal guardian, and to establish policies and procedures for the operation of such program

The bill provides that whenever an intake officer takes informal action on a complaint alleging that a child committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor if committed by an adult, the intake officer may refer the juvenile to a youth justice diversion program. *(Patron: Mullin)*

**HB 2029 Fire training activities; prohibition on the use of certain oriented strand board.**

Amends the Code of Virginia by adding § 9.1-207.2 to prohibit the burning by any person, local government, or agency of the Commonwealth of Class A fuel materials that contain oriented strand board, defined in the bill, during live fire training activities. *(Patron: Krizek)*

**HB 2031 Facial recognition technology; authorization of use by local law-enforcement agencies, etc.**

Amends the Code of Virginia by adding § 15.2-1723.2 and § 23.1-815.1 to provide that no local law-enforcement agency or campus police department shall purchase or deploy facial recognition technology, defined in the bill, unless such purchase or deployment

is expressly authorized by statute. The bill prohibits a local law-enforcement agency or campus police department at a public institution of higher education currently using facial recognition technology from continuing to use such technology without such authorization after July 1, 2021. *(Patron: Aird)*

**HB 2047 / SB 1315 Criminal proceedings; consideration of mental condition and intellectual, etc.**

Amends §§ 19.2-120, 19.2-163.03, 19.2-299, and 37.2-808 of the Code of Virginia and adds § 19.2-271.6 to permit the admission of evidence by the defendant concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence is relevant and is not evidence concerning an ultimate issue of fact and (i) tends to show the defendant did or did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. The bill provides that to establish a mental condition for such purposes, the defendant must show that his condition existed at the time of the offense and that such condition satisfies the diagnostic criteria for (a) a mental illness, as defined in the bill; (b) an intellectual or developmental disability, as defined in the bill; or (c) an autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. If a defendant intends to present such evidence, the bill requires him or his counsel to give notice in writing to the attorney for the Commonwealth within specified time periods.

The bill also clarifies that a court, in addition to a magistrate, may enter an emergency custody order in such cases if the criteria required under current law for emergency custody orders are met.

The bill clarifies that a diagnosis of an intellectual or developmental disability shall be considered by a judicial officer for the purpose of rebuttal of a presumption against bail and that a court may order that a sentencing report prepared by a probation

officer contain any diagnosis of an intellectual or developmental disability. The bill also adds to the requirements to be met for qualification as a court-appointed attorney two hours of continuing legal education, which shall cover the representation of individuals with behavioral or mental health disorders and individuals with intellectual or developmental disabilities.

Finally, the bill requires the Office of the Executive Secretary of the Supreme Court to collect data regarding the cases that use the evidence made permissible in the bill and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century to study and make recommendations about the standard of danger to self or others that may be appropriately applied for such persons found not guilty under the provisions of the bill in the issuance of emergency custody orders, involuntary temporary detention orders, or the ordering of other mandatory mental health treatments. (*Patrons: Bourne and McClellan*)

**HB 2064 Recording an electronic document; electronic notarial certificate.**

Amends §§ 17.1-223, 47.1-2, 47.1-16, and 55.1-606 of the Code of Virginia to provide that if a clerk has an eRecording System, the clerk shall follow the provisions of the Uniform Real Property Electronic Recording Act. The bill further provides that if a clerk does not have an eRecording System, the clerk shall record a legible paper copy of an electronic document, provided that such copy otherwise meets the requirements for recordation and is certified to be a true and accurate copy of the electronic original by the party who submits the document for recordation. The bill requires an electronic notarial certificate to include the county or city in the Commonwealth where the notary public was physically located and indicate whether the notarization was done in person or by remote online notarization, defined in the bill as an electronic notarization where the signer is not in the physical presence of the notary. The bill also adds additional forms of “satisfactory evidence of identity”

when a notary is using video and audio communication. The bill contains an emergency clause. (*Patron: Simon*)

**HB 2085 Emergency Services and Disaster Law; local and interjurisdictional emergency operations plans.**

Amends § 44-146.19 of the Code of Virginia to require local and interjurisdictional agencies to include provisions in their emergency operations plans to ensure that such plans are applied equitably and that the needs of minority and vulnerable communities are met during emergencies. (*Patron: Askew*)

**HB 2099 Judgments; limitations on enforcement, judgment liens, settlement agents, effective date.**

Amends §§ 8.01-251, 8.01-458, and 55.1-339 of the Code of Virginia to reduce from 20 years to 10 years from the date of a judgment the period of time within which an execution may be issued or action may be taken on such judgment. The bill provides that the limitation of the enforcement of a judgment may be extended up to two times by a recordation of a certificate prior to the expiration period in the clerk’s office in which a judgment lien is recorded. The bill provides that such recordation shall extend the limitations period for 10 years per recordation from the date of such recordation. Under current law, such limitation period may be extended on motion of the judgment creditor or his assignee. The bill allows a settlement agent or title insurance company to release a judgment lien, in addition to a deed of trust as provided under current law, provided that the obligation secured by such judgment lien has been satisfied by payment made by the settlement agent and whether or not the settlement agent or title insurance company is named as a trustee under such lien or received authority to release such lien. The bill has a delayed effective date of January 1, 2022, for all provisions except those related to the recordation of a certificate for the extension of a judgment, which are effective in due course. (*Patron: Coyner*)



**[HB 2113](#) / [SB 1339](#) Criminal records; sealing of records, Sealing Fee Fund created, penalties, report.**

Amends §§ 9.1-101, as it is currently effective and as it shall become effective, 9.1-128, 9.1-134, 17.1-293.1, 17.1-502, 19.2-72, 19.2-74, 19.2-310.7, 19.2-340, 19.2-389.3, and 19.2-390 of the Code of Virginia and adds §§ 17.1-205.1 and 19.2-392.5 through 19.2-392.17 to establish a process for the automatic sealing of police and court records, defined in the bill, for certain convictions, deferred dispositions, and acquittals and for offenses that have been nolle prossed or otherwise dismissed. The bill also allows a person to petition for the sealing of police and court records relating to certain convictions. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. As introduced, this bill was a recommendation of the Virginia State Crime Commission.  
*(Patrons: Herring and Surovell)*

**[HB 2128](#) Firearms, certain; sale, etc., criminal history record information check delay increased to 5 days.**

Amends § 18.2-308.2:2, as it is currently effective and as it shall become effective, of the Code of Virginia to increase from three business days to five business days the time provided for the Department of State Police to complete a background check before a firearm may be transferred. If a dealer who has otherwise fulfilled all requirements is told by the State Police that a response will not be available by the end of the dealer's fifth business day, the dealer may complete the sale or transfer without being deemed in violation.  
*(Patron: Lopez)*

**[HB 2139](#) Accrual of cause of action; diagnosis of latent injury.**

Amends § 8.01-249 of the Code of Virginia to provide that a cause of action for a latent injury resulting from the exposure to a substance or the use of a product shall accrue when the person knew or should have known

of the injury and its causal connection to an injury-causing substance or product.  
*(Patron: Guzman)*

**[HB 2233](#) / [SB 1426](#) Orders of restitution; docketed on behalf of victim, enforcement.**

Amends §§ 19.2-305.1, 19.2-305.2, 19.2-349, and 19.2-354 of the Code of Virginia to provide that an order of restitution shall be docketed in the name of the Commonwealth, or a locality if applicable, on behalf of a victim, unless the victim named in the order of restitution requests in writing that the order be docketed in the name of the victim. The bill provides that an order of restitution docketed in the name of the victim shall be enforced by the victim as a civil judgment. The bill also states that the clerk of such court shall record and disburse restitution payments in accordance with orders of restitution or judgments for restitution docketed in the name of the Commonwealth or a locality. The bill provides that at any time before a judgment for restitution docketed in the name of the Commonwealth or a locality is satisfied, the court shall, at the written request of the victim, order the circuit court clerk to execute and docket an assignment of the judgment to the victim and remove from its automated financial system the amount of unpaid restitution. Similarly, the bill provides that if a judge of the district court orders the circuit court clerk to execute and docket an assignment of the judgment to the victim, the district court clerk shall remove from its automated financial system the amount of unpaid restitution. Additionally, the bill states that if the victim requests that the order of restitution be docketed in the name of the victim or that a judgment for restitution previously docketed in the name of the Commonwealth or a locality be assigned to the victim, the victim shall provide to the court an address where the defendant can mail payment for the amount due and such address shall not be confidential. *(Patrons: Bell and Stanley)*

**HB 2234 Victims of sex trafficking; affirmative defense to prosecution for certain offenses.**

Amends the Code of Virginia by adding § 18.2-361.1 to provide an affirmative defense to prosecution for prostitution and keeping, residing in, or frequenting a bawdy place if, at the time of the offense leading to such charge, such person was a victim of sex trafficking, as defined in the bill, and (i) was coerced to engage in the offense through the use of force or intimidation or (ii) such offense was committed at the direction of another person other than the individual with whom the person engaged in the acts of prostitution or unlawful sexual intercourse for such money or its equivalent. (*Patron: Brewer*)

**HB 2312 / SB 1406 Marijuana; legalization of simple possession, etc.**

Amends §§ 2.2-221, 2.2-507, 2.2-511, 2.2-1119, 2.2-2818, 2.2-2905, 2.2-3114, 2.2-3705.3, 2.2-3711, 2.2-3802, 2.2-4024, 3.2-1010, 3.2-3906, 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4116, 4.1-100, as it is currently effective and as it shall become effective, 4.1-101.01, 4.1-101.02, 4.1-101.07, 4.1-101.09, 4.1-101.010, 4.1-101.1, 4.1-103, as it is currently effective and as it shall become effective, 4.1-104, 4.1-105, 4.1-106, 4.1-107, 4.1-111, as it is currently effective and as it shall become effective, 4.1-112.2, 4.1-113.1, 4.1-115, 4.1-116, 4.1-118, 4.1-119, as it is currently effective and as it shall become effective, 4.1-122, 4.1-124, as it is currently effective and as it shall become effective, 4.1-128, 4.1-200, 4.1-201, as it is currently effective and as it shall become effective, 4.1-202, 4.1-205, as it is currently effective and as it shall become effective, 4.1-206, 4.1-206.1, 4.1-206.2, 4.1-206.3, 4.1-207, 4.1-207.1, 4.1-208, 4.1-212, as it is currently effective and as it shall become effective, 4.1-213, 4.1-215, as it is currently effective and as it shall become effective, 4.1-216, as it is currently effective and as it shall become effective, 4.1-216.1, 4.1-222, 4.1-224, 4.1-225, 4.1-227, as it is currently effective and as it shall become effective, 4.1-230, as it

is currently effective and as it shall become effective, 4.1-231, 4.1-240, 4.1-300, 4.1-302, 4.1-303, 4.1-310, as it is currently effective and as it shall become effective, 4.1-310.1, as it is currently effective and as it shall become effective, 4.1-320, 4.1-323, 4.1-324, 4.1-325, as it is currently effective and as it shall become effective, 4.1-325.2, as it is currently effective and as it shall become effective, 4.1-329, 4.1-336, 4.1-337, 4.1-338, 4.1-348, 4.1-349, 4.1-350, 4.1-351, 4.1-352, 4.1-353, 4.1-354, 5.1-13, 9.1-101, as it is currently effective and as it shall become effective, 9.1-400, 9.1-500, 9.1-801, 9.1-1101, 15.2-1627, 15.2-2820, 16.1-69.40:1, 16.1-69.48:1, as it is currently effective and as it shall become effective, 16.1-228, 16.1-260, 16.1-273, 16.1-278.8:01, 16.1-278.9, 17.1-276, 18.2-46.1, 18.2-57, 18.2-247, 18.2-248, 18.2-248.01, 18.2-251, 18.2-251.02, 18.2-251.03, 18.2-251.1:1, 18.2-251.1:2, 18.2-251.1:3, 18.2-252, 18.2-254, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-265.1, 18.2-265.2, 18.2-265.3, 18.2-287.2, 18.2-308.03, 18.2-308.09, 18.2-308.012, 18.2-308.016, 18.2-308.1:5, 18.2-308.4, 18.2-371.2, 18.2-460, 18.2-474.1, 19.2-66, 19.2-81, 19.2-81.1, 19.2-83.1, 19.2-188.1, 19.2-303, 19.2-303.01, 19.2-386.22 through 19.2-386.25, 19.2-389, as it is currently effective and as it shall become effective, 19.2-389.3, 19.2-392.02, as it is currently effective and as it shall become effective, 19.2-392.1, 19.2-392.4, 22.1-206, 22.1-277.08, 23.1-609, 23.1-1301, 24.2-233, 33.2-613, 46.2-105.2, 46.2-347, 48-17.1, 51.1-212, 53.1-231.2, 54.1-2903, 54.1-3408.3, 54.1-3442.6, 54.1-3442.8, 58.1-3, 59.1-148.3, 65.2-107, 65.2-402, and 65.2-402.1 of the Code of Virginia; amends the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 29, consisting of sections numbered 2.2-2499.1 through 2.2-2499.4, by adding sections numbered 3.2-4117.1 and 3.2-4117.2, by adding in Chapter 41.1 of Title 3.2 a section numbered 3.2-4122, by adding in Chapter 51 of Title 3.2 an article numbered 6, consisting of sections numbered 3.2-5145.6 through 3.2-5145.9, by adding in Title 4.1 a subtitle numbered II, consisting of chapters numbered

6 through 15, consisting of sections numbered 4.1-600 through 4.1-1503, by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-107.1, and by adding sections numbered 19.2-392.2:1, 19.2-392.2:2, and 46.2-341.20:7; and repeals §§ 18.2-248.1, 18.2-250.1, and 18.2-251.1 of the Code of Virginia, relating to marijuana; legalization of simple possession; penalties.

Eliminates criminal penalties for simple possession of up to one ounce of marijuana by persons 21 years of age or older, modifies several other criminal penalties related to marijuana, and imposes limits on dissemination of criminal history record information related to certain marijuana offenses. The bill creates the Virginia Cannabis Control Authority (the Authority), the Cannabis Oversight Commission, the Cannabis Public Health Advisory Council, the Cannabis Equity Reinvestment Board and Fund, and the Virginia Cannabis Equity Business Loan Program and Fund and establishes a regulatory and licensing structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates, and numerous provisions of the bill are subject to reenactment by the 2022 Session of the General Assembly. This bill incorporates HB 1815 and is identical to SB 1406. See H. B. 2312 Chapter PDF text: <https://lis.virginia.gov/000/chapter 551.pdf> (Patrons: Herring, Ebbin and Lucas)

**SB 1108 General district courts; jurisdictional limits.**

Amends §§ 8.01-195.4, 16.1-77, and 16.1-107 of the Code of Virginia to increase from \$25,000 to \$50,000 the maximum civil jurisdictional limit of general district courts for civil actions for personal injury and wrongful death. (Patron: Stanley)

**SB 1119 Law-enforcement agencies; body-worn camera systems.**

Amends the Code of Virginia by adding § 9.1-116.7 to create a special nonreverting fund to be known as the Body-Worn Camera System Fund to assist state or local law-enforcement agencies with the costs of purchasing, operating, and maintaining body-worn camera systems. The bill has an expiration date of July 1, 2023. (Patron: Reeves)

**SB 1241 Personal injury claim; disclosure of insurance policy limits.**

Amends § 8.01-417 of the Code of Virginia to provide that in a civil action for personal injuries sustained from a motor vehicle accident, regardless of the amount of losses sustained by an injured person, an insurance company shall disclose the policy limits of an alleged tortfeasor who has been charged with an offense of driving under the influence within 30 days of a request for such disclosure. Under current law, such disclosure is required only if the alleged tortfeasor is convicted of such an offense. The bill also adds the offense of refusal to submit to a breath or blood test to the list of driving under the influence offenses for which disclosure of the insurance policy limits is required. (Patron: Stuart)

**SB 1256 Criminal Justice Services Board and Committee on Training; membership.**

Amends §§ 9.1-102, 9.1-108, and 9.1-112, as they shall become effective, of the Code of Virginia to require the social justice organization represented by a member of the Criminal Justice Services Board and a member of the Committee on Training be engaged in advancing inclusion and human rights. The bill contains a technical amendment to compulsory in-service training for law-enforcement officers. (Patron: Marsden)

**SB 1261 Court of Appeals; expands jurisdiction, increases from 11 to 17 number of judges on Court.**

Amends §§ 2.2-511, 8.01-36, 8.01-267.8, 8.01-383.1, 8.01-555, 8.01-626, 8.01-670, 8.01-671, 8.01-675.3, 8.01-676.1, 9.1-909, 15.2-1627,

15.2-1643, 15.2-2139, 15.2-2140, 15.2-2656, 15.2-3104, 15.2-3217, 15.2-3221, 15.2-3222, 15.2-3227, 15.2-3244, 15.2-3308, 15.2-3528, 15.2-3605, 15.2-3809, 15.2-3909, 15.2-4108, 15.2-4120, 15.2-5218, 15.2-5367, 15.2-6606, 15.2-6632, 15.2-7406, 16.1-279.1, 17.1-309, 17.1-400 through 17.1-403, 17.1-405 through 17.1-408, 17.1-410, 17.1-413, 17.1-503, 17.1-513, 18.2-308.08, 18.2-384, 19.2-152.10, 19.2-165, 19.2-321.1, 19.2-321.2, 19.2-322.1, 19.2-386.13, 19.2-402, 19.2-403, 19.2-404, 22.1-97, 22.1-289.024, as it shall become effective, 24.2-237, 24.2-422, 24.2-433, 25.1-239, 32.1-48.010, 32.1-48.013, 33.2-928, 33.2-2917, 37.2-920, 45.1-161.322, 55.1-1833, 55.1-1966, 55.1-2211, 57-2.02, 58.1-527, 58.1-1828, 58.1-2282, 58.1-3147, 58.1-3992, and 63.2-1710 of the Code of Virginia; adds §§ 8.01-675.5 and 8.01-675.6; and repeals §§ 8.01-670.1 and 8.01-672 of the Code of Virginia. Expands the jurisdiction of the Court of Appeals of Virginia by providing for an appeal of right in every civil case and provides that the granting of further appeal to the Supreme Court of Virginia shall be within the discretion of the Supreme Court. The bill provides for an appeal of right in criminal cases by a defendant, but leaves unchanged the current requirement that in criminal cases the Commonwealth must petition the Court of Appeals for granting of an appeal. The bill increases from 11 to 17 the number of judges on the Court of Appeals. The bill also (i) provides jurisdiction to the Court of Appeals over interlocutory appeals and petitions for review of injunctions; (ii) allows for oral arguments to be dispensed with if the panel of judges makes a unanimous decision that the appeal is wholly without merit or that the dispositive issues on appeal have already been authoritatively decided and the appellant has not argued that the case law should be overturned, extended, or reversed; (iii) provides that the Attorney General shall represent the Commonwealth in criminal appeals unless, and with the consent of the Attorney General, the attorney for the Commonwealth who prosecuted the case files a notice of appearance; (iv) eliminates the requirement for an appeal bond in criminal

appeals; (v) requires all criminal cases in a court of record to be recorded and requires the clerk of the circuit court to prepare a transcript of any trial for which an appeal is noticed to him; and (vi) requires an expedited review of appeals of permanent protective orders and of bond validation proceedings. The bill has a delayed effective date of January 1, 2022, which is applicable to all provisions of the bill except for those increasing the number of judges on the Court of Appeals. *(Patron: Edwards)*

#### **SB 1262 Restricted permit; prepayment of fines and costs.**

Amends § 18.2-271.1 of the Code of Virginia to provide that any person who is otherwise eligible to receive a restricted permit to operate a motor vehicle shall not be required to pay in full his fines and costs before being issued such restricted permit. *(Patron: Morrissey)*

#### **SB 1266 Admission to bail; rebuttable presumptions against bail.**

Amends §§ 19.2-120 and 19.2-124 of the Code of Virginia and repeals § 19.2-120.1 of the Code of Virginia to eliminate provisions regarding the rebuttable presumptions against being admitted to bail. The bill also provides that in making a bail determination, a judicial officer shall consider all relevant information, including a number of factors specified in the bill. *(Patron: Deeds)*

#### **SB 1296 Emergency Management Equity Working Group; established.**

Amends § 44-146.18 of the Code of Virginia to provide for the State Coordinator of Emergency Management to establish an Emergency Management Equity Working Group to ensure that emergency management programs and plans provide support to at-risk individuals and populations disproportionately impacted by disasters. *(Patron: Spruill)*

#### **SB 1300 Inmates; Board of Local and Regional Jails to review services provided during pregnancy.**

Directs the Board of Local and Regional Jails, in consultation with a stakeholder



work group, to (i) identify and analyze all obstetric and gynecological services and any other services provided by local and regional jails to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery; (ii) compare such services to best practices recommended by the American Correctional Association, American Jail Association, National Commission on Correctional Health Care, and American College of Obstetricians and Gynecologists; and (iii) develop recommendations to ensure that proper services are provided to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery. The bill directs the Board to (a) post its findings and recommendations on its website and report such findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the Senate Committee on the Judiciary, Senate Committee on Rehabilitation and Social Services, House Committee for Courts of Justice, and House Committee on Public Safety by July 1, 2022, and adopt regulations consistent with its findings and recommendations. *(Patron: Favola)*

**SB 1329 Summons; promises to appear after issuance.**

Amends §§ 46.2-936 and 46.2-940 of the Code of Virginia to provide that if any person refuses to give a written promise to appear, the arresting officer shall give such person notice of the time and place of the hearing, note such person's refusal to give his written promise to appear on the summons, and forthwith release him from custody. Under current law, any person refusing to give such written promise to appear is required to be taken immediately by the arresting officer before a magistrate or other issuing officer having jurisdiction. *(Patron: Mason)*

**SB 1415 Protective orders; violations of preliminary child protective order, changes punishment**

Amends §§ 16.1-253 and 16.1-253.2 of the Code of Virginia to change the punishment and sentencing requirements for a violation of a

preliminary child protective order so that the maximum penalty is a Class 1 misdemeanor and the court is no longer required to enter a permanent family abuse protective order (i.e., a protective order with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order. The bill provides that a violation of a preliminary child protective order is punishable as contempt of court; however, if the violation involves an act or acts of commission or omission that endanger the child's life or health, or results in bodily injury to the child, it is punishable as a Class 1 misdemeanor. Under current law, violations of preliminary child protective orders constitute contempt of court and are also subject to the same penalties as violations of preliminary, emergency, and permanent family abuse protective orders, including enhanced penalties for certain violations. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. The bill also provides that it shall supersede and control any provisions of Chapter 184 of the Acts of Assembly of 2021, Special Session I. *(Patron: Stanley)*

**SB 1461 Bribery in correctional facilities; penalty.**

Amends the Code of Virginia by adding a section numbered 18.2-474.2 to provide that any person who receives any pecuniary benefit or other consideration to act in the unlawful delivery of items or contraband to prisoners is guilty of bribery, punishable as a Class 4 felony. The bill also provides that any law-enforcement officer, jail officer, or correctional officer who violates the provisions of the bill shall be decertified and shall be forever ineligible for reemployment as a law-enforcement officer, jail officer, or correctional officer in the Commonwealth. *(Patron: Lewis)*

**SB 1468 Victims of crime; certifications for victims of qualifying criminal activity.**

Amends the Code of Virginia by adding §§ 9.1-1500, 9.1-1501, and 9.1-1502 to establish a process for a state or local law-enforcement agency, an attorney for the Commonwealth,

the Attorney General, or any other agency or department employing law-enforcement officers to complete a certification form or declaration that is required by federal immigration law certifying that a person is a victim of qualifying criminal activity. *(Patron: Surovell)*

**SB 1475 Search warrants; date and time of issuance, exceptions.**

Amends § 19.2-56 of the Code of Virginia to provide that a search warrant for the search of any place of abode shall be executed by initial entry of the abode only in the daytime hours between 8:00 a.m. and 5:00 p.m. unless (i) a judge or a magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for good cause shown by particularized facts in an affidavit or (ii) prior to the issuance of the search warrant, law-enforcement officers lawfully entered and secured the place to be searched and remained at such place continuously. The bill also provides that a law-enforcement officer shall make reasonable efforts to locate a judge before seeking authorization to execute the warrant at another time, unless circumstances require the issuance of the warrant after 5 p.m., in which case the law-enforcement officer may seek such authorization from a magistrate without first making reasonable efforts to locate a judge. The bill contains an emergency clause. *(Patron: Stuart)*

**Other**

**HB 5047 Virginia Post-Disaster Anti-Price Gouging Act; manufacturers and distributors.**

Amends §§ 59.1-526 and 59.1-527 of the Code of Virginia to prohibit any manufacturer or distributor from selling necessary goods or services at an unconscionable price during a declared state of emergency. However, the bill provides such prohibition does not apply to a manufacturer or distributor of agricultural goods or services unless it advertises its goods or services. Under current law, the prohibition from selling necessary goods or services does

not apply to any manufacturer or distributor unless it advertises its goods or services to consumers. *(Patron: Murphy)*

**HB 5068 Emergency relief payments; automatic exemption from creditor process.**

Amends § 8.01-512.4 of the Code of Virginia and adds § 34-28.3 to automatically exempt from the creditor process emergency relief payments, as defined in the bill, paid to individuals. The bill further requires a financial institution receiving such payments directly from the federal government to exempt such payments from the creditor process under certain circumstances. The bill provides that, if a financial institution does not set aside such payments as exempt, the accountholder receiving such payments must claim the exemption. The bill contains an emergency clause. **[2020 Special Session]** *(Patron: Ayala)*

**HB 5093 / SB 5117 Emergency Services and Disaster Law; powers and duties of the Governor, executive orders, penalty.**

Amends § 44-146.17 of the Code of Virginia to provide that a violation of an executive order declared by the Governor as the Director of Emergency Management shall be punishable either as a civil penalty of not more than \$500 or as a Class 1 misdemeanor. Under current law, the only penalty for such a violation is a Class 1 misdemeanor. The bill also mandates that a violation of an executive order that is punishable as a civil penalty shall be charged by summons and may be executed by a law-enforcement officer when such violation is observed by the officer. The proceeds of any such civil penalty that is imposed shall be paid and collected only in lawful money of the United States and paid into the state treasury to the credit of the Literary Fund. This bill has an expiration date of June 30, 2023. **[2020 Special Session]** *(Patrons: Watts and Deeds)*

**HB 1891 Annual safety and disaster awareness training; DHRM, et al., to develop an online training module.**

Amends § 2.2-1201 of the Code of Virginia and adds § 2.2-1212 to require the Department of

Human Resource Management, in coordination with the Secretary of Health and Human Resources or his designee, to develop an online training module addressing safety and disaster awareness, including information on public health safety. The bill also requires that all state employees complete the training annually. The bill requires such training to be incorporated into existing mandatory training. *(Patron: Ayala)*

**[HB 2161](#) / [SB 1410](#) Active military or a military spouse; prohibits discrimination in public accommodations, etc.**

Amends §§ 2.2-2901.1, 2.2-3004, 2.2-3900, 2.2-3901, 2.2-3902, 2.2-3904, 2.2-3905, 15.2-853, 15.2-854, 15.2-965, 15.2-1500.1, 15.2-1507, 15.2-1604, 22.1-295.2, 22.1-306, 36-96.1 through 36-96.3, 36-96.4, 36-96.6, 55.1-1208, and 55.1-1310 of the Code of Virginia to prohibit discrimination in public accommodations, employment, and housing on the basis of a person's military status, defined as a member of the uniformed services of the United States or a reserve component thereof or a spouse or other dependent of the same. The bill also prohibits terms in a rental agreement in which the tenant agrees to waive remedies or rights under the federal Servicemembers Civil Relief Act prior to the occurrence of a dispute between the landlord and the tenant. *(Patrons: Tran and Bell)*

**[HB 2168](#) / [SB 1465](#) Illegal gambling; skill games, enforcement by localities and Attorney General, civil penalty.**

Amends § 18.2-325, as it is currently effective and as it shall become effective, of the Code of Virginia and adds § 18.2-331.1 to provide that any person who conducts, finances, manages, supervises, directs, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of up to \$25,000. The bill provides that the Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin the operation of a gambling device

in violation of this section and may request attachment against all such devices and any moneys within such devices. The bill provides that any civil penalties brought in the name of the Commonwealth shall be paid into the Literary Fund and that any civil penalties brought in the name of a locality shall be paid into the general fund of the locality. *(Patrons: Scott and Reeves)*

**[HB 2223](#) Treasury and State Treasurer, Department of the; surety bonds.**

Amends §§ 2.2-2809, 5.1-1.3, 10.1-2006, 21-163, 30-131, 33.2-205, 36-111, 42.1-16, 44-21, 46.2-202, 52-3, 53.1-11, 54.1-305, 58.1-201, and 60.2-109 of the Code of Virginia to eliminate language that directs certain officers and board members to procure individual surety bonds mandated by current law when such officers and board members are already covered under bonding provided by the Division of Risk Management. The bill directs such officers and board members to be bonded pursuant to the blanket surety bond plan for state and local employees. *(Patron: Hayes)*

**[HB 2307](#) / [SB 1392](#) Consumer Data Protection Act; personal data rights of consumer, etc.**

Amends the Code of Virginia by adding §§ 59.1-571 through 59.1-581. Establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, and obtain a copy of personal data and to opt out of the processing of personal data for

purposes of targeted advertising, the sale of personal data, or profiling of the consumer. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill directs the Joint Commission on Technology and Science to establish a work group to review the provisions of this act and issues related to its implementation, and to report on its findings by November 1, 2021. The bill has a delayed effective date of January 1, 2023. *(Patrons: Hayes and Marsden)*

**HB 2332 Commonwealth Health Reinsurance Program; established, report.**

Amends §§ 38.2-4214 and 38.2-4319 of the Code of Virginia and adds §§ 38.2-6600 through 38.2-6606 to require the State Corporation Commission (the Commission) to establish, upon approval of a state innovation waiver request pursuant to § 1332 of the Affordable Care Act, a reinsurance program, known as the Commonwealth Health Reinsurance Program (the Program). The bill provides that the Program is funded through federal funding provided under the state innovation waiver and state appropriations. The bill requires the General Assembly to appropriate a sum sufficient to ensure the operation of the program. The bill provides requirements for payment parameters, data submissions, recordkeeping, reporting, and audits of health carriers. The bill requires the Secretary of Health and Human Resources to convene a work group to develop recommendations for developing a state-based subsidy program to increase affordability of health plans to individuals and to increase enrollment in the Virginia Health Benefit Exchange. The bill requires the Commission to evaluate the program following its second year of operation. The provisions of the bill, other than the requirements that the Commission apply for the state innovation waiver, will become effective 30 days after notice of approval of the waiver request. *(Patron: Sickles)*

**SB 1209 Subcontractor's employees; liability of general contractor for wages.**

Amends § 11-4.6 of the Code of Virginia to provide that in an action against a general contractor for nonpayment of wages to a subcontractor's employees, the general contractor may offer as evidence a written certification that (i) the subcontractor and each of his sub-subcontractors has paid all employees all wages due for the period during which the wages are claimed for the work performed on the project and (ii) to the subcontractor's knowledge all sub-subcontractors have also paid their employees. The bill also provides that the terms "general contractor" and "subcontractor" shall not include persons solely furnishing materials for the purposes of the liability of a contractor for wages due to a subcontractor's employees. *(Patron: Petersen)*

## **FAILED LEGISLATION**

**HB 5030 Monuments and memorials for war veterans; authority of localities.**

Changes the authority of a locality from the authority to "contextualize or cover" to the authority to "alter" a monument or memorial for war veterans located within the geographical limits of the locality, with the result that the locality has the authority to remove, relocate, or alter such monument or memorial. The bill removes the current requirement that the locality publish notice of its intent to remove, relocate, contextualize, or cover such monument or memorial in a newspaper having general circulation in the locality, allow a public hearing on the matter, and, if the governing body votes to remove the monument or memorial, offer, for a period of at least 30 days, the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. In addition, an existing enactment clause that excludes "a monument or memorial located on the property of a public institution of higher education within the City



of Lexington” from the application of this law is repealed. **[2020 Special Session]** (*Patron: McQuinn*)

**HB 1755 Right to work; repeals provisions of Code that refers to denial or abridgement.**

Repeals 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 1757 Firearm-free zones designated by the Commonwealth or a locality; waiver of sovereign immunity.**

Provides that if (i) the Commonwealth designates any property owned by it as a firearm-free zone or (ii) any locality designates such locality or any part of such locality as a firearm-free zone, the Commonwealth or such locality waives its sovereign immunity as it relates to any injuries sustained by persons lawfully present in such firearm-free zone. (*Patron: McGuire*)

**HB 1780 Public employees; prohibition on striking, exception.**

Exempts employees of a local school board from the prohibition on striking, and from termination of employment for striking, by public employees. (*Patron: Carter*)

**HB 1941 Law-enforcement officer; discharge of firearm, etc., release of video or audio recording.**

Requires that, whenever a law-enforcement officer (i) discharges a firearm or (ii) uses a stun weapon or chemical irritant on a person resulting in death or serious bodily injury, any video or audio recording that relates to

such incident produced or obtained by a law-enforcement officer be open to inspection and available for release and posted on a website that is maintained by the law-enforcement agency or on any other website on which the law-enforcement agency generally posts information and that is available to the public or that clearly describes how the public may access such data within 15 days of producing or obtaining such video or audio recording. The bill includes exceptions to such release. The bill also provides that any person denied the rights and privileges conferred may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction pursuant to the Virginia Freedom of Information Act. (*Patron: Rasoul*)

**HB 1948 Law-enforcement officer; duty to render aid, duty to report wrongdoing by another officer.**

Requires any law-enforcement officer on duty who witnesses another person suffering from a serious bodily injury or a life-threatening condition to render aid and makes it a duty to report acts of wrongdoing, defined in the bill and including bias-based profiling, committed by another law-enforcement officer on duty. Any law-enforcement officer who fails to render such aid or report such wrongdoing committed by another law-enforcement officer shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer. The bill also expands the definition of “bias-based profiling,” a practice banned for sheriffs, deputy sheriffs, other local law-enforcement officers, and State Police officers in the performance of their official duties, to include sexual orientation and gender identity. (*Patron: Levine*)

**HB 1997 Virginia Freedom of Information Act; definition of “meeting.”**

Increases from three to four the number of members of a public body meeting as an informal assemblage that constitutes a meeting under the Virginia Freedom of Information Act. (*Patron: Murphy*)

**HB 2000 Virginia Freedom of Information Act; charges for production of public records.**

Prohibits a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual records requests to such public body within 31 consecutive days. The bill provides that for any additional time spent accessing or searching for such records, or when such requester makes five or more individual records requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$33 per hour. The bill also requires public bodies to post on their website or otherwise publish a written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, by the public body for accessing and searching for the requested records. *(Patron: Roem)*

**HB 2016 / SB 1330 Paid family and medical leave program; Virginia Employment Commission required to establish.**

Requires the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2024. Under the program, benefits are paid to eligible employees for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees beginning in 2023. The amount of a benefit is 80 percent of the employee's average weekly wage, not to exceed 80 percent of the state weekly wage, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. The bill provides self-employed individuals the option of participating in the program. *(Patrons: Ayala and Boysko)*

**HB 2045 Civil action for deprivation of rights; duties and liabilities of certain employers.**

Creates a civil action for the deprivation of a person's rights by a law-enforcement officer and provides that a plaintiff may be awarded compensatory damages, punitive damages, and equitable relief as well as reasonable attorney fees and costs. The bill provides that sovereign immunity and limitations on liability or damages shall not apply to such actions and that qualified immunity is not a defense to liability for such deprivation of rights. Finally, the bill provides that any public or private entity that employs or contracts for the services of a law-enforcement officer owes a duty of reasonable care to third parties in its hiring, supervision, training, retention, and use of such officers under its employment or contract. *(Patron: Bourne)*

**HB 2103 Eligible employees; certain public & private employers to provide earned paid sick time.**

Requires public and private employers with 35 or more full-time equivalent employees to provide eligible employees, defined in the bill, with earned paid sick time and paid sick time. The bill provides for an eligible employee to earn up to 40 hours of earned paid sick time depending on the number of hours the eligible employee has averaged over the previous year or, for a new employee, is projected to work. An eligible employee shall not earn or use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit. The bill provides that earned paid sick time may be used (i) for an eligible employee's mental or physical illness, injury, or health condition; an eligible employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an eligible employee's need for preventive medical care or (ii) to provide care to an eligible employee's family member, defined in the bill, under similar circumstances. The bill prohibits employers from taking certain retaliatory actions against employees related to earned paid sick leave and authorizes

the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed \$150 for the first violation, \$300 for the second violation, and \$500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this bill and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation. However, an aggrieved employee is required to seek redress through the employer's human resources department prior to filing an administrative complaint or civil action. The bill has a delayed effective date of January 1, 2023. *(Patron: Reid)*

**HB 2114 Public hearings; notice submitted by localities to newspapers.**

Expands from only localities in Planning District 23 to all localities a provision that provides that in any instance in which a locality 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. Under current law, this provision that was created by the 2020 Regular Session and only applies to localities in Planning District 23 will expire on July 1, 2022. The provision in the bill as it applies to all localities will also expire on July 1, 2022. *(Patron: Ransone)*

**HB 2196 Virginia Freedom of Information Act; required release of law-enforcement disciplinary records.**

Requires the release of law-enforcement disciplinary records related to completed

disciplinary investigations. The bill defines "law-enforcement disciplinary records" as any record created in furtherance of a law-enforcement disciplinary proceeding or any other administrative or judicial proceeding, whether such proceeding takes place in the Commonwealth or in another jurisdiction. The bill allows for the redaction of certain personal contact information of the law-enforcement officer, complainant, and witness or their families; social security numbers; and certain medical information of the law-enforcement officer and complainant. *(Patron: Mullin)*

**HB 2228 Workers' compensation; injuries caused by repetitive and sustained physical stressors.**

Provides that, for the purposes of the Virginia Workers' Compensation Act, "occupational disease" includes injuries from conditions resulting from repetitive and sustained physical stressors, including repetitive and sustained motions, exertions, posture stress, contact stresses, vibration, or noise. The bill provides that such injuries are covered under the Act. Such coverage does not require that the injuries occurred over a particular period, provided that such a period can be reasonably identified and documented and further provided that the employment is shown to have primarily caused the injury, considering all causes. *(Patron: Guzman)*

**HB 2291 Law-enforcement civilian oversight bodies; deputy sheriffs.**

Adds a sheriff's office to those law-enforcement agencies that may be overseen by a law-enforcement civilian oversight body created by a locality and adds a nonprobationary deputy sheriff of a sheriff's office to those law-enforcement officers who are subject to such body if created by a locality. The bill provides that any disciplinary determinations made by the law-enforcement civilian oversight body on any nonprobationary deputy sheriff shall be advisory only and that if the sheriff's office declines to implement such disciplinary determination, the office shall create a public

written record of its rationale for declining to implement the recommended disciplinary determination. *(Patron: Williams Graves)*

**SB 1171 Conflict of Interests Act, State and Local Government; disclosure requirements.**

Requires the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, in a locality with a population in excess of 25,000 or in a region serving more than one locality that, in the aggregate, has a population in excess of 25,000 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. Current law requires all executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act, to file a SOEI. *(Patron: Norment)*

**SB 1440 Law-enforcement officer, etc.; civil action for unlawful acts of force or failure to intervene.**

Creates a civil action for the use of unlawful acts of force, including deadly force, or failure to intervene as required by law, by a law-enforcement officer or correctional officer while performing his duties for a public entity or private police department. The bill also provides that a public entity or private police department employing such officer is liable for any injuries sustained by the injured party as a result of the officer's actions if they occurred in the ordinary course of the employer's business. Sovereign immunity would not apply to such claims. *(Patron: Surovell)*



# Health and Human Resources

## PASSED LEGISLATION

### Behavioral Health

#### **HB 5043 / SB 5038 Mental health crises; DCJS to assist DBHDS, etc., with development of Marcus alert system.**

Amends § 9.1-102 of the Code of Virginia and adds §§ 9.1-193 and 37.2-311.1 to require the Department of Criminal Justice Services (DCJS) and the Department of Behavioral Health and Developmental Services (DBHDS) to develop and establish a mental health awareness response and community understanding services (Marcus) alert system throughout the Commonwealth. The bill directs DBHDS, in collaboration with DCJS, law enforcement, and other stakeholders, to submit a plan for the establishment of a Marcus alert system no later than July 1, 2021. The bill directs DCJS to develop a plan by July 1, 2021 outlining (i) DCJS's and law-enforcement agencies' roles and engagement with the development of the Marcus alert system; (ii) DCJS's role in the development of minimum standards, best practices, and the review and approval of the protocols for law-enforcement participation in the Marcus alert system; and (iii) plans for measuring progress toward the goals for law-enforcement participation in the Marcus alert system. By December 1, 2021, DBHDS shall establish five Marcus alert programs and community care or mobile crisis teams, one located in each of the five DBHDS regions. By July 1, 2023, DBHDS shall establish five additional Marcus alert system programs and community care or mobile crisis teams in such regions. Additional systems and teams are to

be established in subsequent years and, by July 1, 2026, all community services board or behavioral health authority geographical areas shall have established a Marcus alert system that uses community care or mobile crisis teams. The bill provides that, by July 1, 2021, every locality shall establish a voluntary database to be made available to the 9-1-1 alert system and the Marcus alert system to provide mental health information and emergency contact information for response to an emergency or crisis. By July 1, 2022, every locality shall have established local protocols that meet requirements developed by DBHDS for (a) diversion of certain 9-1-1 calls to crisis call centers and (b) the participation of law enforcement in the Marcus alert system. Also by July 1, 2022, every locality shall have established protocols for law-enforcement participation in the Marcus alert system. *(Patrons: Bourne and McPike)* **[2020 Special Session]**

#### **HB 1808 / SB 1154 Behavioral Health and Developmental Services, Commissioner of; reports to designated protection.**

Amends § 37.2-304 of the Code of Virginia to require the Commissioner of Behavioral Health and Developmental Services to add written reports of the facts of alleged serious incidents, deaths, abuse, or neglect of individuals receiving services in programs operated or licensed by DBHDS to the list of reports the Commissioner must provide to the Director of the Commonwealth's designated protection and advocacy system. Currently, the Commissioner is required to provide reports of critical injuries involving, or deaths of individuals receiving, services in facilities and reports of serious injuries to or deaths of individuals receiving services in programs operated or licensed by the Department. *(Patrons: Orrock and Favola)*

#### **HB 1874 Behavioral health; assessments in local correctional facilities, report.**

Amends § 53.1-68 of the Code of Virginia to require the Board of Local and Regional Jails to include in its minimum standards for

behavioral health services in local correctional facilities requirements for (i) referral of individuals for whom a behavioral health screening indicates reason to believe the person may have mental illness to a behavioral health service provider for a behavioral health assessment and (ii) in cases in which there is reason to believe an individual is experiencing acute mental health distress or is at risk for suicide, (a) staff of the local correctional facility to consult with the behavioral health service provider to implement immediate interventions and to provide ongoing monitoring to ensure the safety of the individual and (b) the behavioral health assessment to be completed within 72 hours of completion of the behavioral health screening unless the 72-hour period ends on a Saturday, Sunday, or legal holiday, in which case the assessment shall be completed by the close of business on the next working day. The bill requires the Board to (1) review the behavioral health screening and assessment process for individuals committed to local correctional facilities, (2) identify barriers to ensuring that all behavioral health assessments are completed within 72 hours of the behavioral health screening, (3) develop recommendations for addressing such barriers, and (4) report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committees on Health, Welfare and Institutions and Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2021. *(Patron: Coyner)*

**[HB 2008 / SB 1269](#) Health insurance; authorization of drug prescribed for the treatment of a mental disorder.**

Amends § 38.2-3407.15:2 of the Code of Virginia to require that any provider contract between a carrier and a participating health care provider with prescriptive authority, or its contracting agent, contain provisions that require, when a carrier has previously approved prior authorization for any drug prescribed for the treatment of a mental disorder listed in the most recent edition

of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, no additional prior authorization can be required if (i) the drug is a covered benefit; (ii) the prescription does not exceed the U.S. Food and Drug Administration-labeled dosages; (iii) the prescription has been continuously issued for no fewer than three months; and (iv) the prescriber performs an annual review of the patient to evaluate the drug's continued efficacy, changes in the patient's health status, and potential contraindications. Under the bill, provisions related to provider contracts and prior authorization shall apply to the state insurance health plan. *(Patrons: Heretick and McPike)*

**[HB 2070](#) Community services boards; contracts with private providers.**

Amends § 37.2-500 of the Code of Virginia to clarify that community services boards may enter into contracts with private providers for delivery of mental health, developmental, and substance abuse services. *(Patron: Willett)*

**[HB 2092](#) DBHDS; background checks, persons providing contractual services.**

Amends §§ 19.2-389, 37.2-416, and 37.2-506 of the Code of Virginia to require background checks for contract staff providing direct care services for Department of Behavioral Health and Developmental Services' licensed services. The bill also sets out the barrier crimes for any person who provides contractual services directly to an individual receiving services on behalf of a licensed provider. *(Patron: Willett)*

**[HB 2166](#) Involuntary admission; provisions governing involuntary inpatient & mandatory outpatient treatment.**

Amends §§ 37.2-817, 37.2-817.1, 37.2-817.2, and 37.2-817.4 of the Code of Virginia and repeals § 37.2-817.3 to (i) revise criteria for entry of a mandatory outpatient treatment order to become effective upon expiration of an order for involuntary inpatient treatment; (ii) eliminate the requirement that a person agree to abide by a mandatory outpatient treatment plan to be eligible for mandatory

outpatient treatment and instead require that the judge or special justice find that the person is able to adhere to a mandatory outpatient treatment plan; (iii) eliminate the role of a treating physician in determining when a person is eligible to transition from inpatient to mandatory outpatient treatment under an order for mandatory outpatient treatment following a period of involuntary inpatient treatment; (iv) increase from 90 to 180 days the length of an order for mandatory outpatient treatment; (v) revise requirements for monitoring of a person's adherence to a mandatory outpatient treatment plan by a community services board; (vi) expand the category of persons who may file petitions for various reviews of a mandatory outpatient treatment order or plan; and (vii) add a provision for status hearings during the period of mandatory outpatient treatment. The bill has a delayed effective date of July 1, 2022. *(Patron: Hope)*

**HB 2236 Behavioral health docket; transfer of supervision.**

Amends §§ 9.1-175 and 18.2-254.3 of the Code of Virginia to provide that if an offender determined to be eligible to participate in a behavioral health docket resides in a locality other than that in which the behavioral health docket is located, or such offender desires to move to a locality other than that in which the behavioral health docket is located, and the court determines it is practicable and appropriate, the supervision of such offender may be transferred to a supervising agency in the new locality. *(Patron: Bell)*

**SB 1220 State facilities; admission of certain aliens.**

Repeals § 37.2-827 of the Code of Virginia to eliminate the requirements that (i) the Commissioner of Behavioral Health and Developmental Services determine the nationality of each person admitted to a state facility and, if the person is an alien, notify the United States immigration officer in charge of the district in which the state facility is located and (ii) upon request of the United States

immigration officer in charge of the district in which a state facility to which a person who is an alien is admitted is located or the judge or special justice who certified or ordered the admission of such alien, the clerk of the court furnish a certified copy of records pertaining to the case of the admitted alien. *(Patron: Favola)*

**SB 1273 Behavioral Health Commission; created, report.**

Adds §§ 30-401 through 30-408 to the Code of Virginia to create the Behavioral Health Commission for the purpose of (i) studying and making recommendations for the improvement of behavioral health services in the Commonwealth and (ii) providing ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth. *(Patron: Deeds)*

**SB 1302 Crisis Call Center Fund; created, collection of 988 charges.**

Amends §§ 37.2-311.1, 56-484.12, 56-484.17, and 56-484.17:1 of the Code of Virginia and adds §§ 37.2-311.2 through 37.2-311.6 to provide that the crisis call center, which under current law is administered by DBHDS, shall provide crisis intervention services and crisis care coordination to individuals accessing the National Suicide Prevention Lifeline from any jurisdiction in the Commonwealth 24 hours a day, seven days a week. The bill directs the Department, in its development of the crisis call center, community care teams, and mobile crisis teams, to comply with any applicable requirements of the National Suicide Hotline Designation Act of 2020 and to provide for consistency with federal guidelines promulgated under such law. The bill contains immunity provisions for any originating service provider and its employees and agents acting pursuant to the act. The bill creates a \$0.12 surcharge on postpaid wireless charges and a \$0.08 surcharge on prepaid wireless charges to be collected by the Department of Taxation and distributed to the Crisis Call Center Fund, established by the bill, to be used for establishing and administering the crisis call center. The bill also increases the wireless

E-911 surcharge from \$0.75 to \$0.82 and the prepaid wireless E-911 charge from \$0.50 to \$0.55. The increased revenue shall be dedicated to public safety answering points. (*Patron: McPike*)

**SB 1304 Community services boards; discharge planning.**

Amends § 37.2-505 of the Code of Virginia to reduce from within 30 days to within 72 hours of an individual's identification as ready for discharge the time by which a community services board must document its disagreement with the determination that an individual is ready for discharge from a state hospital or training center. The bill also directs the Commissioner of Behavioral Health and Developmental Services to establish a work group with representatives of the Virginia Association of Community Services Boards to (i) review the current process for discharging patients from state mental health hospitals, and (ii) develop potential options to expedite the discharge process for individuals who can be safely discharged back into the community. The bill requires the work group to report its findings and conclusions and its plan to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by September 1, 2021. (*Patron: McPike*)

**Child Care**

**HB 2086 / SB 1316 Child care providers; background checks, portability.**

Amends §§ 19.2-389, 22.1-289.035, 22.1-289.039, 63.2-1720.1, and 63.2-1724 of the Code of Virginia to exempt prospective employees and volunteers of certain child care providers from statutory background check requirements where the individual completed a background check within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime and was not the subject of a founded complaint of child abuse or neglect;

and (iii) the individual is an employee or volunteer of a child care provider that is subject to background check requirements or has been separated from such employment or volunteer position for not more than 180 days. The bill requires such child care providers, prior to hiring or allowing to volunteer any individual without the completion of a background check, to obtain written certification that such individual satisfies all such requirements and is eligible to serve as an employee or volunteer. The bill also directs the Department of Education (the Department) to establish a two-year pilot program for the purpose of stabilizing and improving the quality of services provided in the Commonwealth's child care industry. The bill provides that under the pilot program a fixed sum of funds, based on the number of children served and certain other factors, will be disbursed to participating child care providers who agree to meet higher standards of quality and care, as determined by the Department. (*Patrons: McGuire and McClellan*)

**HB 2206 Child Care Subsidy Program; expanding Program to serve more families.**

Amends § 63.2-1911 of the Code of Virginia to provide that (i) a family shall be eligible for assistance through the Child Care Subsidy Program if the family's income does not exceed 85 percent of the state median income, the family includes at least one child who is five years of age or younger and has not yet started kindergarten, and the family meets all other income and eligibility requirements of the Program and (ii) job search activities shall be considered eligible activities for the purposes of the Program. The bill provides that a family determined to be eligible for assistance through the Program shall be eligible to receive assistance for a period of 12 months or until the family's household income exceeds 85 percent of the state median income, whichever occurs sooner. The Department of Social Services shall administer the program, as amended by the bill, in cooperation with the Department of Education. The bill contains an emergency clause and provides that the



provisions of the bill shall be applicable to applications for assistance through the Program received prior to August 1, 2021. *(Patron: Filler-Corn)*

**HB 2326 Child-care services; regulation in localities.**

Amends § 15.2-914 to expand to all cities the authority related to the regulation of child-care services that is currently available to certain Northern Virginia localities to regulate child-care facilities that provide regular care to one or more children not related by blood or marriage. *(Patron: Williams Graves)*

**Children's Services Act**

**HB 2117 / SB 1313 Children's Services Act; funds expended special education programs.**

Amends §§ 2.2-5211 and 2.2-5212 of the Code of Virginia to require that funds expended for private special education services under the Children's Services Act only be expended on educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency. The bill also provides that as of July 1, 2022, such funds may only be expended for programs that the Office of Children's Services certify as having reported their tuition rates. The bill adds children and youth previously placed in approved private school educational programs for at least six months who will receive transitional services in a public school setting to the target population for eligibility for the state pool of funds. The bill provides that state funds shall be allocated for no longer than 12 months for transitional services. The bill requires the Secretaries of Education and Health and Human Resources, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Department of Education, as

well as several other topics. The bill requires that the work group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021, as well as a final plan and recommendations by November 1, 2022. *(Patrons: VanValkenburg and Mason)*

**HB 2212 Children's Services Act; effective monitoring and implementation.**

Amends § 2.2-2649 of the Code of Virginia to require the director of the Office of Children's Services to provide for the effective implementation of the Children's Services Act in all localities by (i) regularly monitoring local performance measures and child and family outcomes; (ii) using audit, performance, and outcomes data to identify local programs that need technical assistance; and (iii) working with local programs that are consistently underperforming to develop a corrective action plan. *(Patron: Plum)*

**Health**

**HB 5046 / SB 5080 Telemedicine services; originating site.**

Amends §§ 32.1-325, 38.2-3418.16, and 38.2-4319 of the Code of Virginia to direct the Board of Medical Assistance Services to amend the state plan for medical assistance services to provide for payment for medically necessary health care services provided through telemedicine services, regardless of the originating site or whether the patient is accompanied by a health care provider at the time such services are provided. The bill also requires each (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; (ii) corporation providing individual or group accident and sickness subscription contracts; and (iii) health maintenance organization providing a health care plan for health care services to provide coverage for telemedicine services regardless of the originating site and whether the patient

is accompanied by a health care provider at the time such services are provided. The bill also provides that no health care provider who provides health care services via telemedicine services shall be required to use proprietary technology or applications to be reimbursed for providing telemedicine services, and requires the Department of Medical Assistance Services to continue to reimburse health care providers for Medicaid-covered services delivered via audio-only equipment and by telemedicine services until July 1, 2021. *(Patrons: Adams and Barker)* [2020 Special Session]

**[HB 5048 / SB 5081](#) Outbreaks of communicable disease of public health threat; posting of information about cases.**

Adds § 32.1-37.01 to the Code of Virginia to require the Department of Health to make information about outbreaks of communicable diseases of public health threat at any medical care facility, residential or day program, service or facility licensed or operated by any agency of the Commonwealth, school, or summer camp currently required to report an outbreak of a communicable disease to the Department available to the public on a website maintained by the Department. Such information shall include the name of the place at which the outbreak has occurred and the number of confirmed cases of and deaths resulting from such communicable disease reported by each such place. This bill contains an emergency clause. *(Patrons: Sickles and Barker)* [2020 Special Session]

**[SB 5090](#) COVID-19 virus; Commissioner of Health shall make information available to public on a website.**

Requires that for the duration of the emergency declared by the Governor in response to COVID-19, the Commissioner of Health shall make available to the public on a website maintained by the Department of Health information about confirmed cases of COVID-19 in the Commonwealth, by week and by health district, including (i) the total number of confirmed cases of COVID-19; (ii) the

number of confirmed cases by age group and by race and ethnicity; and (iii) the percentage of cases that are known to be associated with a nursing home, assisted living facility, or correctional facility. The bill also requires the Commissioner to make available to the public on a website maintained by the Department of Health information about and analyses of such data and to develop and publish data on certain other COVID-19 indicators. *(Patron: Dunnavant)* [2020 Special Session]

**[HB 2333 / SB 1445](#) COVID-19; administration of vaccine.**

Requires the Department of Health (the Department) to establish a program to enable eligible health care providers to volunteer to administer the COVID-19 vaccine to residents of the Commonwealth during a state of emergency related to the COVID-19 pandemic declared by the Governor. The bill defines “eligible health care provider” and provides that the program shall include (i) a process by which an eligible health care provider may register to participate in the program and (ii) the training requirements for participating eligible health care providers related to the administration of the COVID-19 vaccine. The bill specifies requirements for each site at which COVID-19 vaccinations are administered by eligible health care providers. The bill also requires the Department to establish a process by which entities may volunteer their facilities as sites at which the COVID-19 vaccine may be administered to residents of the Commonwealth. The bill permits a public institution of higher education or a private institution of higher education in the Commonwealth to volunteer to provide assistance to the Department and local health departments for data processing, analytics, and program development related to the COVID-19 vaccine through the use of its employees, students, technology, and facilities. The bill also permits localities with fire departments, emergency medical services departments, and volunteer rescue squads to establish and staff vaccine administration clinics. The bill provides

civil and criminal immunity to individuals and professional entities acting pursuant to the bill and contains an emergency clause. *(Patrons: Bagby and Dunnavant)*

**[HB 1913 / SB 1205](#) Career fatigue and wellness in certain health care providers; programs to address, civil immunity.**

Amends §§ 8.01-581.16, 54.1-2400.6, and 54.1-2909 of the Code of Virginia to expand civil immunity for health care professionals serving as members of or consultants to entities that function primarily to review, evaluate, or make recommendations related to health care services to include health care professionals serving as members of or consultants to entities that function primarily to address issues related to career fatigue and wellness in health care professionals licensed, registered, or certified by the Boards of Medicine, Nursing, or Pharmacy, or in students enrolled in a school of medicine, osteopathic medicine, nursing, or pharmacy located in the Commonwealth. The bill contains an emergency clause. *(Patrons: Hope and Barker)*

**[HB 1950](#) Fetal and Infant Mortality Review Team; Va. Department of Health, et al., to establish, report.**

Directs the Office of the Chief Medical Examiner of the Department of Health to convene a work group to develop a plan for the establishment of a Fetal and Infant Mortality Review Team and to report such plan to the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Finance and Appropriations and Education and Health by December 1, 2021. *(Patron: Ayala)*

**[HB 1963](#) Funding local health departments; cooperative local health budget, report.**

Adds § 32.1-34.3 to the Code of Virginia to provide that funding for local health departments shall consist of such state funds as may be allocated for the operation of the local health department together with local matching funds and estimated self-generated local service revenues, the total amount of

which shall constitute the cooperative local health budget available to a local department of health, and that the amount of local matching funds for which a county or city is responsible shall be based on the county's or city's revenue generation capacity factor, as defined in the bill; in no case, however, shall the amount of local matching funds required be greater than 45 percent or less than 18 percent of the total amount of the cooperative local health budget for the local health department that serves the county or city, after deducting estimated self-generated local service revenues. The bill directs the Department of Health to biennially review the local matching fund amount for each county and city, determine whether such amount should be revised as a result of changes to the county's or city's revenue generation capacity, and report the results of such review and any recommendations for changes to a county's or city's local matching fund amount to the Governor and the General Assembly. *(Patron: Bagby)*

**[HB 1976](#) Virginia Health Workforce Development Authority; mission of Authority, membership.**

Amends §§ 32.1-122.7 and 32.1-122.7:1 of the Code of Virginia to add to the mission of the Virginia Health Workforce Development Authority (i) developing strategies to increase diversity in the health workforce by examining demographic data on race and ethnicity in training programs and health professional licensure, (ii) identifying ways to leverage technology to increase access to health workforce training and health care delivery, and (iii) developing a centralized health care careers roadmap in partnership with the Department of Health Professions that includes information on both licensed and unlicensed professions and that is disseminated to the Commonwealth's health care workforce stakeholders to raise awareness about available career pathways. *(Patron: Willett)*

**[HB 1987 / SB 1338](#) Telemedicine; coverage of telehealth services by an insurer, etc.**

Amends §§ 32.1-325, 38.2-3418.16, and

54.1-3303 of the Code of Virginia to require the Board of Medical Assistance Services to amend the state plan for medical assistance to provide for payment of medical assistance for remote patient monitoring services provided via telemedicine for certain high-risk patients, makes clear that nothing shall preclude health insurance carriers from providing coverage for services delivered through real-time audio-only telephone that are not telemedicine, and clarifies rules around the prescribing of Schedule II through VI drugs via telemedicine. *(Patrons: Adams, D.M. and Barker)*

**HB 1988 Cannabis oil; processing and dispensing by pharmaceutical processors.** Amends §§ 54.1-3408.3, 54.1-3442.5, 54.1-3442.6, and 54.1-3442.7 of the Code of Virginia to allow any staff member or employee of a designated caregiver facility to assist with the possession, acquisition, delivery, transfer, transportation, and administration of cannabis oil for any patients residing in the designated caregiver facility. The bill allows written certifications for use of cannabis oil to include an authentic electronic practitioner signature. The bill also eliminates the requirement that a pharmacist have oversight of the cultivation and processing areas of a pharmaceutical processor, instead requiring pharmaceutical processors to designate a person to oversee cultivation and production areas; removes the requirement that a cannabis dispensing facility undergo quarterly inspections, instead requiring that inspections occur no more than once annually; and allows pharmaceutical processors to remediate cannabis oil that fails any quality testing standard. The bill requires pharmaceutical processors to maintain evidence of criminal background checks for all employees and delivery agents of the pharmaceutical processor. The bill directs the Board of Pharmacy to promulgate regulations implementing the provisions of the bill and regulations creating reasonable restrictions on advertising and promotion by pharmaceutical processors by September 1, 2021. *(Patron: Adams, D.M.)*

**HB 1989 Public health emergency; emergency medical services agencies, real-time access to information.**

Adds § 32.1-48.001 to the Code of Virginia to direct the Department of Health to develop and implement a system for sharing information regarding confirmed cases of communicable diseases of public health threat with emergency medical services agencies in real time during a declared public health emergency related to a communicable disease of public health threat and with the Emergency Medical Services Advisory Board and regional emergency medical services councils upon request, in order to protect the health and safety of emergency medical services personnel and the public. The provisions of the bill will not become effective unless the Centers for Disease Control and Prevention approves a grant to the Commonwealth that is sufficient to cover the costs of establishing and implementing the information-sharing system created by the bill. The Department is directed to apply for such funding and report to the Governor and the General Assembly on the outcome of such application. *(Patron: Aird)*

**HB 2061 VIIS; any health care provider in the Commonwealth that administers immunizations to participate.**

Amends § 32.1-46.01 of the Code of Virginia to require any health care provider in the Commonwealth that administers immunizations to participate in the Virginia Immunization Information System (VIIS) and report patient immunization history and information to VIIS. Under current law, participation in VIIS is optional for authorized health care entities. The bill has a delayed effective date of January 1, 2022. *(Patron: Willett)*

**HB 2111 Maternal Health Data and Quality Measures, Task Force on; established, report.**

Directs the State Health Commissioner to establish the Task Force on Maternal Health Data and Quality Measures for the



purpose of evaluating maternal health data collection processes to guide policies in the Commonwealth to improve maternal care, quality, and outcomes. The bill directs the Task Force to report its findings and conclusions to the Governor and General Assembly by December 1 of each year regarding its activities and states that the Task Force shall conclude its work by December 1, 2023. *(Patron: Herring)*

**HB 2124 COVID-19; DMAS shall deem testing, treatment, and vaccination to be emergency services.**

Directs the Department of Medical Assistance Services, during a public health emergency related to COVID-19 declared by the U.S. Secretary of Health and Human Services, to deem testing for, treatment of, and vaccination against COVID-19 to be emergency services for which payment may be made pursuant to federal law for certain aliens not lawfully admitted for permanent residence. The provisions of the bill will not become effective unless the federal government no longer funds reimbursement of claims covered by the provisions of the bill. *(Patron: Lopez)*

**HB 2218 / SB 1333 Pharmaceutical processors; permits processors to produce & distribute cannabis products.**

Amends §§ 18.2-250.1, 54.1-2519, 54.1-2521, 54.1-2903, 54.1-3408.3, and 54.1-3442.5 through 54.1-3442.8 of the Code of Virginia to permit pharmaceutical processors to produce and distribute cannabis products other than cannabis oil and for that purpose defines the terms “botanical cannabis,” “cannabis product,” and “usable cannabis.” The bill requires the Board of Pharmacy to establish testing standards for botanical cannabis and botanical cannabis products, establish a registration process for botanical cannabis products, and promulgate emergency regulations to implement the provisions of the bill. The bill provides that if a practitioner determines it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such dispensing. *(Patrons: Hayes and Lucas)*

**SB 1121 Birth certificates; amending certificate, review of request.**

Amends §§ 32.1-269 and 32.1-272 of the Code of Virginia to provide that every request for an amendment to a birth certificate shall be reviewed to determine whether the requested amendment can be made administratively or if a judicial order is required for the amendment. The bill also requires the Department of Health to make information about the process by which amendments to a birth certificate may be requested and are reviewed available on its website. Such information shall include a standard form for requests for amendments to a birth certificate. *(Patron: Locke)*

**SB 1147 Nurse Loan Repayment Program; certified nurse aide.**

Amends § 32.1-122.6:04 of the Code of Virginia to expand eligibility for the Nurse Loan Repayment Program to include certified nurse aides who meet criteria determined by the State Board of Health. Under current law, only licensed practical nurses and registered nurses are eligible for the Nurse Loan Repayment Program. *(Patron: Kiggans)*

**SB 1221 Loudoun & Prince William Counties & Manassas & Manassas Park Cities; operation of local health dept.**

Allows Loudoun County, Prince William County, the City of Manassas, or the City of Manassas Park to enter into a contract with the Department of Health for the local administration of local health services. Currently, the local department of health is operated as a joint venture between the state and local governments. *(Patron: Favola)*

**SB 1307 School-based health services; Bd. of MAS to amend state plan for services to provide for payment.**

Amends §§ 32.1-325 and 32.1-326.3 of the Code of Virginia to direct the Board of Medical Assistance Services to amend the state plan for medical assistance services to provide for payment of services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid

program and may be provided by school divisions, regardless of whether the student receiving care has an individualized education program or whether the health care service is included in a student's individualized education program. The bill specifies that such services shall include those covered under the state plan for medical assistance services or by the Early and Periodic Screening, Diagnostic, and Treatment benefit, and shall include a provision for payment of medical assistance for health care services provided through telemedicine services. (Patron: Dunnavant)

**SB 1436 Eligible Health Care Provider Reserve Directory; established.**

Adds §§ 23.1-110, 32.1-23.3, and 54.1-2400.03 to the Code of Virginia to direct the Department of Health to establish an Eligible Health Care Provider Reserve Directory to collect information regarding eligible health care providers in the Commonwealth who are qualified and who may be available to assist in the response to a public health emergency. The Directory shall include the name, contact information, and licensure, certification, or registration type and status of the eligible health care provider or, if the eligible health care provider is a fourth-year medical student, academic standing and anticipated graduation date of the fourth-year medical student if the student registers for inclusion in the Directory. (Patron: Hanger)

## **Human Trafficking**

**HB 1944 Casino gaming; requirements for issuance of operator's license, human trafficking training.**

Amends § 58.1-4110 of the Code of Virginia to require applicants for casino operator's licenses to have established a policy requiring all license and permit holders who interact directly with the public in the casino gaming establishment to complete a training course acceptable to the Virginia Lottery Department in how to recognize and report suspected

human trafficking in order to be eligible for the issuance of an operator's license. (Patron: Simonds)

**HB 2133 Commercial sex trafficking; issuance of writ of vacatur for victims.**

Adds §§ 19.2-327.15 through 19.2-327.20 to the Code of Virginia to establish a procedure for victims of sex trafficking to file a petition of vacatur in circuit court to have certain convictions vacated and the police and court records expunged for such convictions. The bill requires the court to grant the writ and vacate a qualifying offense if it finds the petitioner (i) was convicted or adjudicated delinquent of a qualifying offense and (ii) committed the qualifying offense as a direct result of being a victim of sex trafficking, as defined in the bill. (Patron: Delaney)

## **Juvenile Justice**

**HB 1912 Child support payments; juvenile in custody of or committed to the Department of Juvenile Justice.**

Amends §§ 16.1-263, 16.1-286, and 16.1-290 of the Code of Virginia to provide that the Department of Juvenile Justice is no longer required to apply for child support from, and the parent of a juvenile is no longer responsible to pay child support to, the Department of Social Services for a juvenile who is in the temporary custody of or committed to the Department of Juvenile Justice. (Patron: Hope)

**SB 1206 Confidentiality of juvenile court records; exceptions.**

Amends § 16.1-300 of the Code of Virginia to provide that juvenile court service unit records and Department of Juvenile Justice records may be open for inspection to the Department of Social Services or any local department of social services that is providing services or care for, or has accepted a referral for family assessment or investigation and the provision of services regarding, a juvenile and these local agencies have entered into a formal agreement

with the Department of Juvenile Justice to provide coordinated services to such juveniles.  
(Patron: Barker)

**SB 1248 Juveniles; competency evaluation, receipt of court order.**

Amends § 16.1-356 of the Code of Virginia to require the appointed evaluator or the director of the community services board, behavioral health authority, or hospital to acknowledge receipt of the court order requiring a competency evaluation for a juvenile to the clerk of the court on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia as soon as practicable but no later than the close of business on the next business day following receipt of the court order. The bill also provides that if the appointed evaluator or the director of the community services board, behavioral health authority, hospital, or private evaluator is unable to conduct the evaluation, he shall inform the court on the acknowledgment form.  
(Patron: Deeds)

**SB 1456 Juveniles; eligibility for commitment to the Department of Juvenile Justice.**

Amends §§ 16.1-248.1, 16.1-249, 16.1-278.7, and 16.1-278.8 of the Code of Virginia to provide that a juvenile may be committed to the Department of Juvenile Justice only if he (i) is adjudicated delinquent of a violent juvenile felony and is 11 years of age or older or (ii) is 14 years of age or older. The bill provides that no juvenile younger than 11 years of age may be detained in a secure facility prior to an order of final disposition unless he is alleged to have committed a violent juvenile felony; in such case, the juvenile may only be detained in an approved foster home, a facility operated by a licensed child welfare agency, or another suitable place designated by the court and approved by the Department, but under no circumstances shall such juvenile be detained in a secure detention facility. (Patron: Marsden)

**Older Adults and Individuals with Disabilities**

**HB 1805 / SB 1366 Aging services; economic and social needs.**

Amends §§ 51.5-134 and 51.5-135 of the Code of Virginia to require the Department for Aging and Rehabilitative Services, in providing aging services, to use available resources to provide services to older persons with the greatest economic or social needs. The bill defines “economic need” as need resulting from an income level at or below the poverty line. The bill defines “social need” as need caused by noneconomic factors, including (i) physical and mental disabilities, which include developmental disabilities and human immunodeficiency virus; (ii) language barriers; and (iii) cultural, social, or geographic isolation, including that which is related to a history of discrimination for factors such as racial or ethnic status, gender identity, gender expression, or sexual orientation that can affect an individual’s ability to perform normal daily tasks or threatens such individual’s capacity to live independently. (Patrons: Adams, D.M. and Barker)

**HB 1873 / SB 1421 Brain injury; clarifies definition.**

Amends § 37.2-403 of the Code of Virginia to eliminate the requirement that an injury occur before the age of 65 to constitute a brain injury as that term is used in the context of licensure of private providers of behavioral health services. (Patrons: Coyner and Edwards)

**HB 2018 / SB 1297 Emergency order for adult protective services; acts of violence, etc., or financial exploitation.**

Amends §§ 63.2-1603, 63.2-1606, and 63.2-1609 of the Code of Virginia to allow the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include certain conditions to be imposed on the alleged perpetrator

in an emergency order for adult protective services. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. Also, the bill provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the notice required has been given, unless such notice has been waived by the court. Current law just requires such hearing be held no earlier than 24 hours. Lastly, the bill provides that if the court enters an order containing any of the aforementioned conditions, the primary law-enforcement agency providing service and entry of protective orders shall enter the name of the perpetrator into the Virginia Criminal Information Network and the order shall be served forthwith on the perpetrator. *(Patrons: Mullin and Obenshain)*

**[HB 2197 / SB 1472](#) Individuals w/ intellectual & developmental disabilities; DMAS to study use of virtual support, etc.** Directs the Department of Medical Assistance Services to study and develop recommendations for increasing access to virtual supports and services for individuals with intellectual and developmental disabilities by promoting access to assistive technology and environmental modifications and to report its findings and recommendations to the Governor and the General Assembly by November 1, 2021. *(Patrons: Runion and Suetterlein)*

**[HB 2230](#) Supported decision-making agreements; DBHDS to develop and implement a program, etc.** Amends §§ 64.2-2000, 64.2-2003, and 64.2-2007 of the Code of Virginia and adds § 37.2-314.3 to direct the Department of Behavioral Health and Developmental Services to develop and implement a program to educate individuals with intellectual and developmental disabilities, their families, and others regarding the availability of supported decision-making agreements, the process by which an individual with an intellectual or developmental disability may enter into a supported decision-making

agreement with a supporter, and the rights and responsibilities of principals and supporters who are parties to a supported decision-making agreement. The bill directs the Department to collect data regarding the utilization of supported decision-making agreements in the Commonwealth and report such information, together with recommendations to enhance the utilization of supported decision-making agreements, annually to the Governor and the General Assembly by November 1. *(Patron: Bell)*

**[SB 1102](#) Personal care aides; DMAS shall establish an orientation program for certain aides.**

Adds § 32.1-331.04 to the Code of Virginia to require the Department of Medical Assistance Services to establish an orientation program for all personal care aides who provide self-directed services through the Medicaid program. The bill lays out the topics to be covered by such orientations, requires orientations to be held in-person or online at least quarterly, and specifies that personal care aides shall be invited and encouraged to attend at least one such orientation per calendar year. *(Patron: Locke)*

## **Social Services**

**[HB 1820](#) SNAP benefits program; eligibility for benefits, postsecondary education.**

Amends §§ 63.2-608 and 63.2-801 of the Code of Virginia to add participation in certain educational activities to the list of activities to which a participant in the Virginia Initiative for Education and Work may be enrolled and directs the Board of Social Services to amend the Supplemental Nutrition Assistance Program (SNAP) benefits program to (i) establish broad-based categorical eligibility, (ii) set the gross income eligibility standard at 200 percent of the federal poverty guidelines, (iii) not impose an asset limit for eligibility, and (iv) increase opportunities for self-sufficiency through postsecondary education by allowing SNAP benefits program



participants to satisfy applicable employment and training requirements through enrollment in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia. *(Patron: Helmer)*

**HB 1957 Adult adoption; investigation and report.**

Amends § 63.2-1244 of the Code of Virginia to remove the requirement that an investigation and report be conducted when a petition is filed for the adoption of a person 18 years of age or older on the basis of good cause shown and after a showing that the person to be adopted is at least 15 years younger than the petitioner and the petitioner and the person to be adopted have known each other for at least one year prior to the filing of the petition for adoption. *(Patron: Avoli)*

**HB 1962 Foster care; termination of residual parental rights, relatives and fictive kin.**

Amends §§ 16.1-281, 16.1-283, 63.2-906, and 63.2-910.2 of the Code of Virginia to require local departments of social services and licensed child-placing agencies to involve in the development of a child's foster care plan the child's relatives and fictive kin who are interested in the child's welfare. The bill requires that a child 12 years of age or older be involved in the development of his foster care plan; under current law, a child's involvement is mandatory upon reaching 14 years of age. The bill contains other amendments to provisions governing foster care and termination of parental rights that encourage the placement of children with relatives and fictive kin. *(Patron: Gooditis)*

**HB 2002 Child support; health care coverage.**

Amends §§ 16.1-260 and 63.2-1903 of the Code of Virginia to provide that in any case in which a petitioner is seeking to establish child support, the intake officer shall provide

the petitioner information on the possible availability of medical assistance through the Family Access to Medical Insurance Security (FAMIS) plan or other government-sponsored coverage through the Department of Medical Assistance Services. The bill also requires the Department of Social Services to refer children for whom it has issued an order directing the payment of child support to the FAMIS plan if it appears that the gross income of the custodial parent is equal to or less than 200 percent of the federal poverty level. *(Patron: Samirah)*

**HB 2035 Virginia Initiative for Education and Work (VIEW); participants, modifies Full Employment Program.**

Amends § 63.2-608 of the Code of Virginia to modify the Full Employment Program (FEP) for Virginia Initiative for Education and Work participants by (i) allowing FEP participants to continue receiving Temporary Assistance for Needy Families (TANF); (ii) disregarding wages received through FEP for purposes of calculating TANF; (iii) removing the requirement that a person be unable to find unsubsidized employment in order to participate in FEP; and (iv) allowing employers participating in FEP to receive a subsidy of up to \$1,000 per month for each FEP employee for a period not to exceed six months. *(Patron: Tran)*

**HB 2065 Produce Rx Program; Dept. of Social Services, et al., to develop a plan for a 3-yr. pilot Program.**

Directs the Department of Social Services, in cooperation with the Department of Medical Assistance Services, to convene a work group to develop a plan for a three-year pilot Produce Rx Program to incentivize consumption of qualifying fruits and vegetables by eligible individuals for whom increased consumption of fruits and vegetables is recommended by a qualified care provider. The bill requires the Department of Social Services to report on the activities of the work group and the elements of the plan by October 1, 2021. *(Patron: McQuinn)*

**HB 2191 Social services, local departments of; investigations and family assessments, etc.**

Amends §§ 63.2-1505 and 63.2-1506 of the Code of Virginia to require local departments of social services, when conducting investigations or family assessments, to disclose to the child's parent or guardian, upon request, the location of the child, provided that (i) the investigation or family assessment has not been completed and a report has not been transmitted; (ii) the parent or guardian requesting disclosure of the child's location has not been the subject of a founded report of child abuse or neglect; (iii) the parent or guardian requesting disclosure of the child's location has legal custody of the child and provides to the local department of social services any records or other information necessary to verify such custody; (iv) the local department is not aware of any court order, and has confirmed with the child's other parent or guardian or other person responsible for the care of the child that no court order has been issued, that prohibits or limits contact by the parent or guardian requesting disclosure of the child's location with the child, the child's other parent or guardian or other person responsible for the care of the child, or any member of the household in which the child is located; and (v) disclosure of the child's location to the parent or guardian will not compromise the safety of the child, the child's other parent or guardian, or any other person responsible for the care of the child. *(Patron: Leftwich)*

**HB 2192 Support orders; contents of orders, change in employment status, unemployment benefits.**

Amends §§ 20-60.3 and 63.2-1916 of the Code of Virginia to require support orders to contain a provision requiring an obligor to keep the Department of Social Services or a court informed of, in addition to the name, address, and telephone number of his current employer, any change to his employment status and if he has filed a claim for or is receiving unemployment benefits. The bill further requires that the provision shall further specify that any such change or filing be communicated

to the Department of Social Services or the court in writing within 30 days of such change or filing. *(Patron: Leftwich)*

**SB 1168 "Abused or neglected child"; definition.**

Amends § 16.1-228 of the Code of Virginia to conform the definition of "abused or neglected child" in Title 16.1 with the definition of the same term in Title 63.2. *(Patron: Lucas)*

**SB 1328 State-Funded Kinship Guardianship Assistance program; created.**

Amends §§ 16.1-228, 16.1-282.1, 63.2-100, 63.2-905, 63.2-906, and 63.2-1305 of the Code of Virginia and adds § 63.2-1306 to create the State-Funded Kinship Guardianship Assistance program to facilitate child placements with relatives, including fictive kin, and ensure permanency for children. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. *(Patron: Mason)*

**SB 1321 Confirmatory adoption; expands the stepparent adoption provisions.**

Amends § 63.2-1241 of the Code of Virginia to expand the stepparent adoption provisions to allow a person who is not the child's stepparent but has a legitimate interest in the child to file a joint petition for adoption with the child's birth parent or parent by adoption. *(Patron: Boysko)*

**Substance Use Disorder**

**HB 1894 Naloxone or other opioid antagonist; certain employees of DJJ authorized to administer.**

Amends § 54.1-3408 of the Code of Virginia to authorize employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers 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: Kory)*

**[HB 2300](#) Hospitals; emergency treatment for substance use-related emergencies.**

Amends § 32.1-127 of the Code of Virginia to require each hospital with an emergency department that is currently regulated by the State Board of Health to establish a protocol for treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies and (ii) recommendations for follow-up care, which may include dispensing of naloxone or other opioid antagonist used for overdose reversal, issuance of a prescription for naloxone, and information about accessing naloxone at a community pharmacy or organization that dispenses naloxone or other opioid antagonist to persons without a prescription. Such protocols may also include referrals to peer recovery specialists and community-based providers of behavioral health services or providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses. The bill also directs the Department of Health Professions, together with the Department of Health, to convene a work group to develop recommendations for best practices for the treatment and discharging of patients in emergency departments experiencing opioid-related emergencies. *(Patron: Delaney)*

**[HB 2322](#) / [SB 1469](#) Opioid Abatement Authority; established, report.**

Amends § 2.2-212 of the Code of Virginia and adds §§ 2.2-507.3, 2.2-2365 through 2.2-2376, and 51.1-124.40 to establish the Opioid Abatement Authority. The Authority, with the assistance of the Office of the Attorney General, would administer the Opioid Abatement Fund, which would receive moneys from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids and any other funds received on the Fund's behalf that would be used to provide grants and loans

to Virginia agencies and certain localities for the purpose of treating, preventing, or reducing opioid use disorder and the misuse of opioids or otherwise abating or remediating the opioid epidemic in the Commonwealth. *(Patrons: Herring and Barker)*

**FAILED LEGISLATION**

**[HB 2289](#) Children's Services Act; eligibility for state pool of funds, any child or youth.**

Declares eligible for the Children's Services Act state pool of funds any child or youth (i) who was previously placed in an approved private school educational program for at least six months and who will receive certain transitional services in a public school setting for no longer than 12 months or (ii) whose individualized education program team has determined that his placement in a private special education day school, residential program, or other out-of-school placement could be prevented by his receipt of specialized or intensive services and supports delivered in the public school setting if such services and supports are estimated to have an annual cost that is more than three times the average annual cost of educating in a public school setting a student who does not require special education services and supports. *(Patron: Austin)*

# Transportation

## **PASSED LEGISLATION**

### **HB 1813 Highway construction by state or local employees; limit.**

Amends and reenacts § 33.2-234 of the Code of Virginia to increase from \$600,000 to \$700,000 the value of highway maintenance and construction projects eligible to be performed by state or local employees. VACo supported this legislation. (*Patron: Krizek*)

### **HB 1828 Commissioner of DMV; powers and duties during a declared state of emergency.**

Amends and reenacts § 46.2-223 of the Code of Virginia to authorize the Commissioner of the Department of Motor Vehicles, for the duration of a declared state of emergency and for up to 90 days after it has been rescinded or expires, to (i) extend the validity or delay the cancellation of driver's licenses, special identification cards, and vehicle registrations; (ii) extend the time frame during which a driver improvement clinic or payment plan may be completed; (iii) extend the maximum number of days of residency permitted before a new resident must be licensed in Virginia to operate a motor vehicle in the Commonwealth; and (iv) extend the time frame during which a new resident may operate a motor vehicle in the Commonwealth that has been registered in another jurisdiction before registering the vehicle in the Commonwealth. (*Patron: Roem*)

### **HB 1832 / SB 1259 Virginia Highway Corporation Act; alteration of certificate of authority, powers and duties of SCC.**

Amends and reenacts §§ 56-539 and 56-542 of the Code of Virginia to require any application for a transfer, extension, or amendment of a certificate of authority issued under the Virginia Highway Corporation Act to include information demonstrating the financial fitness of the entity applying to operate the roadway. The bill requires an applicant for a toll increase to provide a forward-looking analysis return

that will be reviewed by the Department of Transportation that demonstrates that the proposed rates will be reasonable to the user in relation to the benefit obtained, not likely to materially discourage use of the roadway, and provide the operator no more than a reasonable return. The bill also prohibits the State Corporation Commission from authorizing a toll increase if these criteria are not met or if the proposed increase is for more than one year. The bill requires an operator to receive approval from the Commission prior to refinancing any existing debt. (*Patrons: Subramanyam and Bell*)

### **HB 1841 Crosswalk design; Commissioner of Highways to convene work group to determine model policies.**

Directs the Commissioner of Highways to convene a working group to determine whether there should be model policies for crosswalk design and installation and, if so, establish recommendations for such model policies. The bill directs the working group to monitor and provide input to the U.S. Department of Transportation and the Federal Highway Administration as updates to crosswalk designs in the Manual on Uniform Traffic Control Devices for Streets and Highways are considered. The working group shall submit to the Governor and the General Assembly a report on its findings and recommendations by November 1, 2021. VACo is a member of the working group. (*Patron: Keam*)

### **HB 1846 License restrictions for minors; prohibition on use of handheld personal communications devices.**

Amends and reenacts § 46.2-334.01 to eliminate the provision prohibiting a holder of a provisional driver's license to operate a vehicle while using a wireless communication device. Such provision was specific only to the holder of a provisional license. Under a different current law, all drivers, including those with a provisional driver's license, are prohibited from holding a personal communications device while operating a vehicle. (*Patron: Robinson*)



**HB 1850 Motor vehicle weight limits; vehicles powered primarily by electric battery power, etc.**

Amends and reenacts § 46.2-1129.2 of the Code of Virginia to authorize motor vehicles powered primarily by means of electric battery power to exceed relevant weight limits by 2,000 pounds, provided that such weight is on the power unit and such weight does not exceed 82,000 pounds on an interstate highway. The bill also changes the weight exemption for motor vehicles fueled primarily by natural gas on an interstate highway from the difference between the weight of the natural gas tank and fueling system and a comparable diesel tank and fueling system to up to an additional 2,000 pounds, provided that such weight is on the power unit and does not exceed 82,000 pounds. *(Patron: Reid)*

**HB 1851 / SB 1098 Unmanned aircraft; exempts an owner from the requirement to register.**

Amends and reenacts § 5.1-5 of the Code of Virginia to exempt an owner of an unmanned aircraft from the requirement to register aircrafts. *(Patrons: Delaney and Favola)*

**HB 1854 U.S. Route 29; county manager plan of government.**

Amends the Code of Virginia by adding a section numbered 15.2-719.1 to authorize the board of any locality that has adopted the county manager plan of government (Arlington County) to name any section of U.S. Route 29 located within the boundaries of the locality. The bill provides that the Department of Transportation will place and maintain appropriate signs that will be paid for by the locality. *(Patron: Sullivan)*

**HB 1868 Commercial driver's licenses; disqualification for life from holding license, human trafficking.**

Amends and reenacts §§ 46.2-341.18, 46.2-382, and 46.2-1702 of the Code of Virginia to disqualify for life from holding a commercial driver's license persons convicted of a felony

involving an act or practice of severe forms of trafficking in persons while driving a commercial motor vehicle. The bill prohibits the Department of Motor Vehicles and every district court or circuit court or the clerk thereof from reducing, dismissing, deferring, or otherwise concealing a conviction of any offense committed while operating a commercial motor vehicle or of any holder of a commercial driver's license or permit charged with any offense committed while operating a noncommercial motor vehicle and requires the Department and the courts to comply with federal laws and regulations regarding such convictions. The bill also authorizes Class A driver training schools to administer the commercial driver's license knowledge examinations. *(Patron: Delaney)*

**HB 1887 Foreign market vehicles; titling and registration.**

Amends and reenacts § 46.2-602 of the Code of Virginia to authorize the Department of Motor Vehicles to issue a negotiable title for a foreign market vehicle manufactured 25 or more years ago that does not comply with current federal safety requirements. Current law only allows for a negotiable title to be issued to such vehicles manufactured prior to 1968. *(Patron: Jenkins)*

**HB 1893 / SB 1212 New River Valley Passenger Rail Station Authority; creation of authority in Planning District 4.**

Amends the Code of Virginia by adding in Title 33.2 a chapter numbered 38, consisting of sections numbered 33.2-3800 through 33.2-3816 to authorize the creation of a regional passenger rail station authority in Planning District 4 to assist in the creation and maintenance of passenger rail in the region. The authority would be authorized to enter into revenue sharing agreements and to issue revenue bonds. The authority would be governed by a board consisting of members of each participating locality and institution of higher education. VACo supported this legislation. *(Patrons: Hurst and Edwards)*

**HB 1901 Online Virginia Driver's Manual course; training school.**

Amends and reenacts § 46.2-325 of the Code of Virginia to remove the requirement that a driver training school providing the Virginia Driver's Manual course online be a computer-based driver education provider, as defined in the Code of Virginia. *(Patron: Carr)*

**HB 1903 Local government; authority to reduce the speed limit in a business district or residence district.**

Amends and reenacts § 46.2-1300, of the Code of Virginia to authorize local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residence district. VACO supported this legislation. *(Patron: Carr)*

**HB 1926 Central Virginia Transportation Authority; membership.**

Amends and reenacts § 33.2-3703 of the Code of Virginia to add the Executive Director of the Virginia Port Authority, or his designee, as a nonvoting ex officio member of the Central Virginia Transportation Authority. *(Patron: McQuinn)*

**HB 1960 / SB 1470 Vehicle registration; special communication needs indicator.**

Amends and reenacts § 46.2-600.1 of the Code of Virginia to expand eligibility for a special communication needs indicator on a vehicle registration to vehicle owners whose vehicle is regularly occupied by an individual who has a disability that can impair communication. Current law authorizes those vehicle owners who have a disability that can impair communication to apply for such an indicator. The bill authorizes the removal of such indicator by request in writing to the Department of Motor Vehicles. *(Patrons: Bell and Barker)*

**HB 1961 Special identification cards; application by guardian.**

Amends and reenacts § 46.2-345 of the Code of Virginia to authorize the parent of any person under the age of 18 or the legal guardian of

any person to apply for a special identification card on behalf of such person. Current law authorizes the parent or legal guardian of any person under the age of 15 to apply for a special identification card on behalf of such person. *(Patron: Bell)*

**HB 2071 / SB 1350 Transportation funding; statewide prioritization process, resiliency.**

Amends and reenacts §§ 33.2-214.2 and 33.2-353 of the Code of Virginia to require the Commonwealth Transportation Board to determine whether a project has been designed to be or the project sponsor has committed that the design will be resilient when evaluating projects for the Six-Year Improvement Program and consider resiliency when establishing the Statewide Transportation Plan. The bill also requires the Commissioner of Highways to ensure resiliency is incorporated into the design standards for new construction projects. *(Patrons: Convirs-Fowler and Lewis)*

**HB 2075 Jefferson Davis Highway; renames any section of U.S. Route 1 to "Emancipation Highway."**

Repeals Chapter 286 of the Acts of Assembly of 1922 to rename any section of U.S. Route 1 in Virginia that is designated as "Jefferson Davis Highway" to "Emancipation Highway." The bill has a delayed effective date of January 1, 2022. *(Patron: Cole, J.G.)*

**HB 2118 Virginia Electric Vehicle Grant Fund and Program; created, report.**

Amends the Code of Virginia by adding in Article 1 of Chapter 13 of Title 10.1 a section numbered 10.1-1322.5 to establish the Electric Vehicle Grant Fund and Program for the purpose of (i) awarding grants on a competitive basis to public school divisions for (a) assisting with costs of replacing diesel school buses with electric school buses; (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses; and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii)

awarding grants to projects by public, private, and nonprofit Virginia entities to assist with replacing diesel-fueled vehicles and machinery with electric vehicles. No allocation of funds shall be made to the Fund or the Program unless federal or nonstate funds are available to cover the entire cost of such allocation. The bill contains provisions relating to grant applications, priority, awards, and uses. The Department of Environmental Quality shall convene a stakeholder work group to develop recommendations for establishing and administering the Fund and Program and shall report the work group findings to the General Assembly. *(Patron: Keam)*

**[HB 2138](#) Identification privilege cards; authorizes DMV to issue, fee, confidentiality, penalties.**

Amends and reenacts §§ 24.2-411.3, 24.2-643, 46.2-203.2, 46.2-216.1, 46.2-323.01, 46.2-323.1, 46.2-346, 46.2-600.1, and 58.1-3 of the Code of Virginia and amends the Code of Virginia by adding in Article 7 of Chapter 3 of Title 46.2 a section numbered 46.2-345.3 to authorize the Department of Motor Vehicles to issue identification privilege cards to applicants who hold a citizenship or legal presence status that is eligible for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022. *(Patron: Guzman)*

**[HB 2163](#) Motor Vehicles, Department of; limits the release of privileged information to government entities.**

Amends and reenacts §§ 46.2-100, 46.2-208, 46.2-209, 46.2-209.1, 46.2-216.1, 46.2-328.3, and 46.2-600.1 of the Code of Virginia to limit the release of Department of Motor

Vehicles (DMV) privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. The bill requires the DMV to notify the subject of the request that such a request was made and the identity of the entity that made the request. The bill requires any entity receiving privileged information from the DMV to enter into a written agreement with the DMV prior to such release of such information and prohibits any entity from rereleasing any such DMV information to any third party unless explicitly permitted to do so in the entity's agreement with the DMV. The bill contains requirements for any such written agreement between the DMV and the Department of State Police. *(Patron: Tran)*

**[HB 2262](#) Bicycles; traffic regulations, report.**

Amends and reenacts §§ 46.2-839 and 46.2-905 of the Code of Virginia to require the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast. The Department of State Police is directed to convene a work group to review issues related to allowing bicyclists to treat stop signs as yield signs, and to report any recommendations to the chairmen of the House and Senate Committees on Transportation. *(Patron: Hurst)*

**[HB 2284](#) Driving privileges, certain; Commissioner of DMV to reinstate privileges and waive fees.**

Directs the Commissioner of the Department of Motor Vehicles to reinstate driving privileges, and to waive fees related to the reinstatement, for individuals whose privileges were suspended prior to July 1, 2019, for failure to pay court fines and costs in other jurisdictions. *(Patron: Williams Graves)*

**HB 2294 Vehicle's odometer; disclosure exemption.**

Amends and reenacts § 46.2-629 of the Code of Virginia to provide that the exemption from disclosing a vehicle's odometer reading applies only to vehicles exempt from recording an odometer in another state that were manufactured (i) in or before the 2010 model year and transferred at least 10 years after January 1 of the vehicle's model year or (ii) in or after the 2011 model year and transferred at least 20 years after January 1 of the vehicle's model year. Current law exempts disclosure for vehicles exempt from disclosure in another state that were manufactured for a model year at least 10 years earlier than the vehicle transfer. This bill complies with federal regulations regarding odometer disclosure exemptions. (*Patron: Cole, J.G.*)

**HB 2318 Test driving vehicles; residence districts, civil penalty.**

Amends the Code of Virginia by adding a section numbered 46.2-1533.1 to authorize localities by ordinance to require motor vehicle dealers in the locality to notify a buyer or potential buyer that test driving a motor vehicle in a residence district that has been designated for increased fines is prohibited, unless the buyer or potential driver is driving to or from his residence. The bill requires the locality to notify licensed motor vehicle dealers located within the locality of the enactment of such ordinance and send a copy of such notification to the Motor Vehicle Dealer Board. The bill authorizes the locality to notify the Board if a buyer or potential buyer is convicted of a traffic infraction while conducting a test drive in a prohibited location. The bill provides that the Board may determine if the proper notice was given and impose a civil penalty if such notice was not given. (*Patron: Roem*)

**HB 2327 Prevailing wage rate; clarifies that public works includes transportation infrastructure projects.**

Amends and reenacts § 2.2-4321.3 of the Code of Virginia to clarify, for purposes of the requirement under certain circumstances

to pay the prevailing wage rate for work performed on public works contracts, that public works includes transportation infrastructure projects. (*Patron: Krizek*)

**SB 1122 Habitual offenders; repeals remaining provisions of Habitual Offender Act.**

Amends and reenacts §§ 8.01-9, 8.01-407, 16.1-77, 16.1-305, 17.1-213, 19.2-389, as it is currently effective and as it shall become effective, 46.2-301, 46.2-301.1, 46.2-411, and 53.1-21 of the Code of Virginia and repeals Article 9 (§§ 46.2-355.1 through 46.2-363) of Chapter 3 of Title 46.2 of the Code of Virginia to repeal the remaining provisions of the Habitual Offender Act. The bill also requires that the Commissioner of the Department of Motor Vehicles reinstate a person's privilege to drive a motor vehicle that was suspended or revoked solely on the basis that such person was determined to be or adjudicated a habitual offender pursuant to the Habitual Offender Act. The bill also authorizes the Virginia Alcohol and Safety Action Program to continue to administer intervention for individuals who were ordered to attend an intervention interview on or before June 30, 2021. (*Patron: Stanley*)

**SB 1126 Transportation District Commission of Hampton Roads; change in membership.**

Amends and reenacts § 33.2-1907 of the Code of Virginia to add a member of the House of Delegates, to be appointed by the Speaker of the House, and a member of the Senate, to be appointed by the Senate Committee on Rules, to the Transportation District Commission of Hampton Roads. Such legislative members must represent districts that include certain cities in the Hampton Roads region. The bill also requires that nonlegislative citizen members of the Commission appointed by the Governor have experience in one of the following fields: transit, transportation, or land use planning; management of transit, transportation, or other public sector operations; public budgeting or finance;



corporate communications; government oversight; or state or local government. The new qualifications do not affect the appointment of any current members of the Commission until the expiration of their terms. *(Patron: Spruill)*

**SB 1144 Aircraft, civil; registration and licensing.**

Amends and reenacts § 5.1-5 of the Code of Virginia to clarify that if a civil aircraft is required to be registered with the Department of Aviation, current law allows the owner a credit against the tax paid for such registration for similar taxes paid in another state. *(Patron: Stuart)*

**SB 1160 Removal of vehicles involved in accidents; lien of keeper of vehicles.**

Amends and reenacts §§ 46.2-644.01, 46.2-644.02, 46.2-644.03, 46.2-1200.2, 46.2-1202, 46.2-1202.1, 46.2-1203, 46.2-1209, and 46.2-1212.1 of the Code of Virginia and amends the Code of Virginia by adding in Article 2 of Chapter 6 of Title 46.2 a section numbered 46.2-644.04 and by adding sections numbered 46.2-1200.3 and 46.2-1202.2 to modernize and improve enforcement of mechanics' and storage liens by (i) transferring notification and auction posting requirements to the Department of Motor Vehicles (the Department); (ii) allowing for independent appraisals to establish accurate vehicle values; (iii) expanding vehicle owner searches to other states and requiring the Department to notify owners in those states; and (iv) creating a limited process for relinquishing mechanics' and storage liens. The bill permits out-of-state requesters to obtain Virginia vehicle information for mechanics' or storage liens or abandoned vehicle enforcement in their states, and clarifies disposal rights, auction requirements, and titling documentation for abandoned vehicles. The Department is authorized to collect administrative fees to cover the expenses associated with these duties. The bill also provides that an entity acting at the direction of law enforcement or the Department of Transportation to remove

a vehicle or cargo after an accident shall not be liable for damages or claims resulting from exercise of authority, provided that the entity acted reasonably. The provisions of this bill related to mechanics' and storage liens have a delayed effective date of January 1, 2022. *(Patron: Suetterlein)*

**SB 1213 Restricted licenses; DMV authorized to issue.**

Amends and reenacts § 18.2-271.1 of the Code of Virginia to authorize the Department of Motor Vehicles to issue restricted driving credentials to individuals with driver's license suspensions resulting from drug-related offenses. *(Patron: Edwards)*

**SB 1214 Metropolitan Washington Airports Authority; repeals effective date for creation of Authority.**

Repeals § 5.1-178 of the Code of Virginia to repeal the contingent effective date for the creation of the Metropolitan Washington Airports Authority. Such contingency has been met. The bill is a recommendation of the Code Commission. *(Patron: Edwards)*

**SB 1253 Access roads to economic development sites; criteria for use of funds.**

Amends and reenacts § 33.2-1509 of the Code of Virginia to direct the Commonwealth Transportation Board, in consultation with the Secretaries of Transportation and Commerce and Trade, to develop criteria to be used in the award of funds for access roads to economic development sites. The criteria shall take into account job creation, capital investment, and other relevant economic development considerations. *(Patron: McPike)*

**SB 1260 Transportation purposes; entry onto land for inspection.**

Amends and reenacts §§ 25.1-203 and 33.2-1011 of the Code of Virginia to require that for any project wherein the power of eminent domain may be exercised, any locality or the Commissioner of Highways shall provide a landowner with a request to enter and inspect property at least 30 days in advance. The

request must be on official letterhead and shall notify the landowner that even if permission is withheld, the locality or the Commissioner of Highways will be permitted to enter the property on the proposed date. Current law requires the locality or the Commissioner of Highways to send a request to enter and inspect the property and, if written permission is not received within 15 days, a subsequent notice of intent to enter with the date on which the locality or the Commissioner of Highways will be entering the property. *(Patron: Bell)*

**[SB 1277](#) Motor Vehicles, Department of, and Supreme Court of Virginia; repeals reporting requirement.**

Repeals the second enactment of Chapter 228 of the Acts of Assembly of 2015 to repeal an enactment clause that requires the Department of Motor Vehicles and the Supreme Court of Virginia to submit an annual report regarding the implementation of a program to allow the Department to collect certain fees and fines on behalf of a district or circuit court. *(Patron: Newman)*

**[SB 1335](#) Learner's permits; use of personal communication devices, restrictions.**

Amends and reenacts §§ 46.2-334.01 and 46.2-335 to eliminate the provisions prohibiting a holder of a learner's permit or a holder of a provisional driver's license from operating a vehicle while using a wireless telecommunications device. Such provisions were specific only to the holder of a learner's permit or a provisional driver's license. Under a different current law, all drivers, including those with a learner's permit or a provisional driver's license, are prohibited from holding a handheld personal communications device while operating a vehicle. *(Patron: Stuart)*

**[SB 1336](#) Ignition interlock systems; restricted permits to operate a motor vehicle.**

Amends the Code of Virginia by adding a section numbered 18.2-271.5 to provide that in any criminal case for reckless or improper driving where a defendant's license to operate

a motor vehicle, engine, or train is subject to revocation or suspension and the court orders a defendant, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program, the court may issue the defendant a restricted license to operate a motor vehicle where the only restriction is to prohibit the defendant from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a period of not less than six consecutive months without alcohol-related violations of the interlock requirements. *(Patron: Stuart)*

## **Failed Legislation**

**[HB 1910](#) Regional transportation authorities; creation.**

Authorizes two or more adjacent counties or cities to form a regional transportation authority to engage in regional transportation projects. The bill sets forth the procedures for forming such authority and determining the membership of its governing board. Ordinances adopted by each member of such authority would set forth the local taxes, fees, and revenues to be contributed by each locality to such authority. *(Patron: Cole, J.G.)*

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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](http://lis.virginia.gov).