

**Agenda and Documents
Legislative Committee Meeting
January 25, 2019**

Specific Legislation and Legislation Provided for Discussion

III. Specific Legislation

Historical Positions of the Board

SUPPORT

HB 2528 (Hugo) (HCT) provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill serves to overrule the Court of Appeals of Virginia decision in *Woodard v. Commonwealth*, 61 Va. App. 567, 739 S.E.2d 220 (2013), *aff'd*, 287 Va. 276, 754 S.E.2d 309 (2014). Recommend support; Board has historically supported. (19101005D)

OPPOSE

SB 1783 (Boysko) (SLG) provides that qualifying grievances by local government employees shall advance to a final step as agreed upon by the aggrieved and the local government; however, if an agreement cannot be reached on whether to use a panel hearing or hearing officer, a three-person panel shall be used. The bill contains technical amendments. Recommend oppose; Board has historically opposed. (19104563D)

New Bills – 2019 GA

Human Services

HB 2014 (Peace) (HHWI) aligns the Code of Virginia with the Family First Prevention Services Act of 2018. The bill contains an emergency clause for provisions of the bill relating to background checks for employees of, volunteers at, and contractors providing services to juveniles at children's residential facilities. Recommend monitor. (19101811D)

HB 2474 (Torian) (HHWI) directs the Department of Medical Assistance Services to develop and implement an expedited review process for applications for community or institutional long-term care services for individuals diagnosed with a terminal condition. Recommend monitor. (19102888D)

SB 1405 (Dance) (Passed Senate; HHWI) allows a pharmacist to include information regarding the proper disposal of medicine when giving counsel to a person who presents a new prescription for filling. Recommend support. (19101424D)

SB 1439 (McClellan) (Passed Senate; HHWI) requires the completed medical certification portion of a death certificate to be filed electronically with the State Registrar of Vital Records through the Electronic Death Registration System and provides that failure to file a medical certification of death electronically through the Electronic Death Registration System shall constitute grounds for disciplinary action by the Board of Medicine. The bill includes a delayed effective date of January 1, 2020, and a phased-in requirement for registration with the Electronic Death Registration System and electronic filing of medical certifications of death for various categories of health care providers. The bill directs the Department of Health to work with stakeholders to educate and encourage physicians, physician assistants, and nurse practitioners to timely register with and utilize the Electronic Death Registration System. Recommend support. (19105238D-S1)

SB 1622 (McPike) (SRSS) requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority as often as is required of the supplying public water system by the Virginia Department of Health's Office of Drinking Water. The bill requires such plan and the results of each such test to be submitted to the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion and confirm such remediation by retesting the water at two consecutive six-month intervals and submitting the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill also provides such programs the option of using bottled water in lieu of testing or remediation. Recommend monitor. (19104179D)

Land Use

HB 2549 (Jones, S.C.) prohibits localities from including areas designated as Resource Protection Areas, pursuant to criteria developed by the State Water Control Board, in a clustering zoning density calculation and provides that nothing in the statute shall require a locality to allow a greater overall density for a clustered development than would be required on a non-clustered development. Recommend oppose. (19104091D)

HB 2686 (Knight) (HCCT) changes the vote requirement for certain board of zoning appeals decisions from a majority of the membership to a majority of the membership present and voting. Recommend oppose. (19103623D)

Transportation

SB 1759 (Surovell) (SCL) provides that when the Commonwealth Transportation Board determines that it is necessary that any existing overhead electric distribution, cable, or telecommunications line be replaced with an underground line in order to accommodate a transportation infrastructure improvement in an area of transit-oriented development, the utility shall relocate the line underground, with the Board paying to the utility the cost of relocating or removing the line above ground. An electric utility may apply to recover the net costs of undergrounding a distribution line through a rate adjustment clause. A cable operator or telecommunications service provider may recover the net cost of undergrounding overhead cable or telecommunications lines in the same manner as it recovers other capital costs. Recommend support. (19100654D)

SB 1770 (Deeds) (SFIN) creates a statewide approach to transportation funding. The bill repeals the regional sales tax and gas tax enacted in 2013 to fund transportation initiatives in Hampton Roads and Northern Virginia, and raises the statewide gas tax by three percent to fund transportation generally. The bill has a delayed effective date of July 1, 2020, and directs the Secretary of Transportation to report to the Governor and the chairmen of the House Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation regarding changes necessary to existing transportation funding allocations to honor existing contracts and debt service obligations. Recommend oppose. (19104415D)

Environment

HB 2506 (Hodges) (HAG) directs the State Water Control Board to adopt regulations allowing the owner of residential property in a Chesapeake Bay Preservation Area to deposit appropriate fill material in certain low-lying areas within 50 landward feet of a resource protection area (RPA) located on the property. The bill establishes certain provisions that the regulations shall contain and provides that no filling that is carried out in compliance with such regulations shall (i) be considered a land-disturbing activity for purposes of stormwater management and erosion and sediment control, (ii) require a Virginia Water Protection Permit, or (iii) require a permit from the Virginia Marine Resources Commission. The bill also authorizes certain localities to adopt ordinances establishing a local permit process for projects that disturb less than one acre, and it

requires projects that disturb one acre or more of land to follow general permit requirements established in statute. Recommend oppose. (19104058D)

HB 2792 (Tran) (HLC) directs the State Corporation Commission to establish a pilot program that affords the opportunity for any municipality to participate in net energy metering if it is a retail customer of an investor-owned electric utility. In order to qualify for the program, the municipality is required to own and operate a renewable generating facility that is located on the municipality's premises and is intended primarily to offset all or part of the municipality's own electricity requirements. Under the pilot program, a municipal customer-generator that generates electricity in amounts that exceed the amount of electricity consumed by the municipal customer-generator, determined annually, will receive a credit against its electricity consumption at one or more other separately metered buildings or facilities. The measure provides that the amount of any such credit shall be equal to or greater than the generation-energy related rate under the Electrical Supply Service Charges of the host building plus all applicable generation-related riders or taxes and fuel-related riders or taxes, without the assessment by the utility of any service charges or fees in connection with or arising out of such crediting. The duration of the pilot program is six years. Recommend support with amendment to allow use of power purchase agreements in pilot program. (19104713D)

Stormwater

HB 2103 (Freitas) (HAG) directs the State Water Control Board to establish a procedure that allows an operator to submit stormwater management plans that are sufficient for a particular proposed land-disturbing activity without requiring such plans to cover any subsequent land-disturbing activity anticipated at the same location or an adjacent location. The bill also amends a provision of the law that is not yet effective, directing the establishment of the same procedure as it applies not only to stormwater management plans but also to erosion and sediment control plans. Recommend oppose. (19104080D)

Opioids

HB 2158 (Plum) (HHWI) expands the list of individuals who may dispense naloxone pursuant to a standing order to include emergency medical services personnel and health care providers providing services in hospital emergency departments and eliminates the requirements (i) that an organization providing services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal obtain a controlled substances registration prior to dispensing naloxone, (ii) that naloxone dispensed on behalf of the organization be dispensed by a person who is authorized to train individuals on the administration of naloxone, and (iii) that individuals to whom naloxone is dispensed complete a training program prior to dispensing. The bill also provides that a person who dispenses naloxone shall not be required to obtain a permit to operate a pharmacy or a controlled substances registration and allows a person who dispenses naloxone to charge a fee for dispensing of naloxone provided the fee is no greater than the cost to the organization of obtaining the naloxone dispensed. Recommend support. (19104132D)

Public Safety/Criminal Justice

SB 1708 (Edwards) (SCT) makes final and binding the decision of the hearing panel conducting a hearing to review an action that dismisses, demotes, suspends, or transfers a law-enforcement officer for punitive reasons, if such decisions are consistent with law and written policy. Under current law, the hearing panel only provides advisory recommendations. The bill allows either party to the hearing to petition the circuit court of the locality in which the grievant is employed for an order requiring the implementation of the final decision of the hearing panel. Recommend oppose. (19104419D)

IV. Legislation Provided for Discussion

Conflict of Interests Act

SB 1430 (Obenshain) (SRUL) requires all local elected officials to take training on the provisions of the State and Local Government Conflict of Interests Act at least once every two years. The bill requires such officials in office on July 1, 2019, to complete such training no later than December 31, 2019. The bill also prohibits an attorney for the Commonwealth from serving simultaneously as a county, city, or town attorney. The bill requires the Virginia Conflict of Interest and Ethics Advisory Council (the Council) to offer guidance to any person who contacts the Council with an inquiry regarding ethics, conflicts issues, or a person's duties under the General Assembly Conflicts of Interests Act, the State and Local Government Conflict of Interests Act, or lobbying laws. Current law requires the Council to offer guidance on such Acts and lobbying laws to state and local government agencies and to those individuals to whom the Acts and lobbying laws apply. (19103492D)

Elections

June Primary Date

HB 1615 (Landes) (HPE) changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date. (19100239D)

Transportation

Motorized Skateboards and Scooters

HB 2752 (Pillion) (HTRAN) authorizes localities to require that persons offering motorized skateboards or foot-scooters be licensed. The bill also makes other technical amendments related to motorized skateboards and foot-scooters. (19105484D)

Workers' Compensation and Post-Traumatic Stress Disorder

HB 2513 (Hugo) (HLC) establishes a presumption that if certain firefighters, law-enforcement officers, hazardous materials officers, animal protection police officers, or 9-1-1 emergency call takers, dispatchers, or similarly situated employees (i) receive a diagnosis of post-traumatic stress disorder (PTSD) from a licensed physician, licensed clinical psychologist, licensed professional counselor, or licensed clinical social worker; (ii) suffer death or any impairment resulting in total or partial disability from work caused by the PTSD; and (iii) receive a statement from such a provider that the PTSD was caused by a single critical event or multiple exposures to critical events that occurred in the course of the employment, then the PTSD is an occupational disease, suffered in the line of duty, that is covered by the Virginia Workers' Compensation Act unless such presumption is overcome by a preponderance of competent evidence to the contrary. The measure provides that a "critical event" includes an event that results in serious injury or death to an individual; deals with a minor who has been injured, killed, abused, exploited, or a victim of a crime; deals with mass casualties; results in injury to or the death of a coworker; involves an immediate threat to the life of the claimant or another individual; or involves the abuse, cruelty, injury, exploitation, or death of an animal. (19102118D)