

**Specific Legislation and Legislation for Discussion
Board of Supervisors Legislative Committee
January 17, 2020**

Specific Legislation

County Initiatives

SB 23 (Ebbin) (SGL) prohibits discrimination in employment and public accommodations on the basis of sexual orientation or gender identity. The bill codifies existing prohibited discrimination in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran and adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments. (20100725D)

SB 651 (Boysko) (SFIN) increases from seven to eight the number of members on the policemen's pension and retirement board created in a county that has adopted the urban county executive form of government (Fairfax County) and increases from two to three the number of members of such board who shall be members of such retirement system and employed by the county police department as sworn police officers and who have been elected by the members of the retirement system who are employed by the police department as sworn police officers. (20104013D)

SB 652 (Boysko) (SFIN) authorizes any person who has been a member of another county retirement system and who withdraws therefrom and becomes a member of the policemen's retirement system established by a county that has adopted the urban county executive form of government (Fairfax County) to purchase membership service credit for service rendered while a member of such other county retirement system by paying into the policemen's retirement system all contributions that would have been due from the person had the person been a member of the policemen's retirement system for each of the years for which membership service credit is sought. The bill contains technical amendments. (20104020D)

Historical Positions of the Board

SUPPORT

Courthouse Security Fee

SB 149 (Howell) (SFIN) increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security. Recommend support; Board has historically supported. (20101599D)

Equal Rights Amendment

HJ 1 (Carroll Foy) (Passed House; SPE)/**SJ 1** (McClellan) (Passed Senate; HPE) ratifies the Equal Rights Amendment to the Constitution of the United States that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. Recommend support; Board has historically supported. (20105798D-H1, 20105431D-S1)

Judgeships

HB 275 (Sullivan) (HCT)/**SB 209** (Petersen) (SFIN) increases from 11 to 12 the maximum number of authorized general district court judgeships in the nineteenth judicial district. The Committee on District Courts recommended the additional judgeship in 2018. Recommend support; Board has historically supported. (20103853D, 20102142D)

June Primary Date

HB 57 (Fowler) (HPE)/**SB 316** (Kiggans) (SPE) 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. Recommend support; Board has historically supported. (20101716D, 20103661D)

Solar Freedom

HB 572 (Keam) (HLC) promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) removes the one percent cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multi-family residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. Recommend support; Board has historically supported. (20101906D)

HB 912 (Simon) (HLC) promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) removes the one percent cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar or wind facilities of up to five

megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to two megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. Recommend support; Board has historically supported. (20103986D)

HB 1184 (Lopez) (HAG) promotes the establishment of distributed solar and other renewable energy. The measure (i) increases the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to 10 percent, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a solar energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of solar energy and states that the distributed generation of solar electricity is in the public interest, and the State Corporation Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest. Recommend support; Board has historically supported. (20104922D)

SB 710 (McClellan) (SCL) promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) increases from one percent to 10 percent the systemwide cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. Recommend support; Board has historically supported. (20104871D)

Taxation

HB 785 (Watts) (HFIN) equalizes city taxing authority and county taxing authority by granting a county the same authority to impose taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds without limitation on the rate that may be imposed. The bill authorizes all counties to impose an admissions tax with no restriction on the rate. Under current law, only certain counties may impose an admissions tax, and the rate generally is capped at 10 percent. Under current law, all cities may impose the tax with no restriction on the rate. The bill authorizes all counties to impose a transient occupancy tax with no limitation on the rate that may be imposed. Under current law, counties generally are limited to a maximum rate of two percent, although certain counties may impose the tax at higher rates. The bill provides that, unless otherwise provided by law prior to January 1, 2020, the revenue from a tax rate above two percent up to five percent is restricted to tourism purposes and tax rates above five percent may be used as general revenue. The bill authorizes all counties to impose a cigarette tax with no restriction on the rate. Under current law, only Arlington County and Fairfax County may impose a cigarette tax, and the rate is limited to 30 cents per pack. Under current law, all cities may impose the tax with no restriction on the rate. The bill eliminates the limit of four percent on a county food and beverage tax (commonly referred to as the meals tax). Under current law, such limit applies to counties but not cities. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. Under current law, such requirement applies to counties but not cities. Recommend support; Board has historically supported. (20104813D)

True Costs of Education Study

SJ 57 (Lewis) (SRUL) directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality. Recommend support; Board has historically supported. Fairfax County's Legislative Program includes support for adequate K-12 education funding. (20103928D)

Virginia Fair Housing Law

HB 3 (McQuinn) (HGL) adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity." Recommend support; Board has historically supported. (20100744D)

HB 6 (Bourne) (HGL) adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity. Recommend support; Board has historically supported. (20100177D)

HB 217 (Convriss-Fowler) (HGL) adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity." Recommend support; Board has historically supported. (20101469D)

HB 357 (Lopez) (HGL) adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity. Recommend support; Board has historically supported. (20101644D)

SB 66 (McClellan) (SGL) adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity." Recommend support; Board has historically supported. (20101054D)

New Bills – 2020 GA

Miscellaneous

HB 1391 (Leftwich) (HCT)/**SB 253** (Chafin) (SJUD) specifies that a trustee under a deed of trust has only the duties, rights, and obligations imposed and conferred on it by the deed of trust or by statute. This bill is in response to *Crosby v. ALG Trustee, LLC*, 296 Va. 561 (2018). Recommend oppose. (20102582D, 20102906D)

SB 40 (DeSteph) (SFIN) provides that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if such coverage does not result in a premium increase. Under current law, such children are not eligible regardless of the effect on premiums. Recommend support. (20100676D)

Administration of Government

HB 1534 (Samirah) (HCCT)/**SB 649** (Boysko) (Senate Floor) authorizes the board of supervisors of any county that has adopted the urban county executive form of government to enter into agreements with towns located partially or wholly within such county for the collection and enforcement of real or personal property taxes by the county official responsible for assessment or collection of taxes. The authority granted to such counties is similar to authority granted to Loudoun County under existing law. Recommend support. (20105339D, 20105082D)

SB 631 (Surovell) (SLG) provides that Fairfax County and Arlington County may, by ordinance, provide that it is unlawful for any person to place, leave, or abandon on any real property in the county, or within specified districts within the county, any shopping cart. The bill requires such ordinance to provide that any such shopping cart that remains on the real property after a notice of violation is given to the owner of such shopping cart shall be presumed to be abandoned and subject to removal from the real property by the county or its agents without further notice. In the event that any such shopping cart is so removed, the cost of removal, including the cost of disposal, shall be charged to the owner of the shopping cart. The bill also authorizes such ordinance to prohibit possession of a shopping cart outside of the designated premises when the owner has posted notice of such prohibition. Such ordinance may provide for a civil penalty of not more than \$500. Recommend support. The County supports expanded local authority but has concerns about its ability to implement this authority. (20104457D)

Animals

HB 1552 (Bell) (HAG)/**SB 272** (Bell) (SACNR) provides that outdoor tethering of an animal does not meet the requirement that an animal be given adequate shelter if it occurs (i) between 10 p.m. and 6 a.m., except when the animal is engaged in conduct related to an agricultural activity; (ii) when no owner is on the property; (iii) when the temperature is 32 degrees Fahrenheit or lower, or 85 degrees Fahrenheit or higher; (iv) during a heat advisory; or (v) during a severe weather warning. The bill increases certain minimum tether length requirements to meet the requirement that an animal be given adequate space by requiring that a tether be at least 15 feet in length or four times the length of the animal, whichever is greater. Current law requires the tether to be at

least 10 feet in length or three times the length of the animal, whichever is greater. The bill also authorizes the governing body of any locality to adopt, and make more stringent, ordinances that parallel certain state provisions related to care of companion animals. Recommend support. The County supports the expanded authority for the care of companion animals but does not support the tethering provisions. (20105457D, 20103262D)

Transportation

HB 16 (Krizek) (HTRAN) requires all occupants of motor vehicles to utilize a safety belt system. Current law requires the use of safety belts only by (i) occupants under the age of 18, (ii) drivers, and (iii) passengers 18 years of age or older occupying the front seat. The bill changes a violation of safety belt system requirements by a person occupying a front seat from a secondary offense to a primary offense. Recommend support. (20100628D)

SB 276 (Barker) (STRAN) requires all occupants of motor vehicles to utilize a safety belt system. Current law requires the use of safety belts only by (i) occupants under the age of 18, (ii) drivers, and (iii) passengers 18 years of age or older occupying the front seat. The bill changes a violation of safety belt system requirements from a secondary offense to a primary offense. Recommend support. (20103297D)

HB 364 (Cole, M.) (HTRAN)/**HB 620** (Cole, J.) (HTRAN) requires the Commonwealth Transportation Board, when evaluating projects under the statewide prioritization process known as SMARTSCALE, to evaluate (i) congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays, and (ii) accessibility on the basis of the area of influence of a project for a radius of 55 miles. Recommend oppose. (20103873D, 20103914D)

HB 619 (Cole, J.) (HTRAN) requires that a minimum of \$1 million annually be allocated to Fredericksburg Regional Transit from the Commonwealth Mass Transit Fund. The funding is contingent on localities served by Fredericksburg Regional Transit continuing to support Fredericksburg Regional Transit by at least the amount of funding provided in the fiscal year beginning July 1, 2019. Recommend oppose. (20101564D)

HB 677 (LaRock) (HTRAN) requires the Department of Transportation, upon completion of the Interstate 66 widening project, to activate reverse tolling on Interstate 66. The bill requires all such tolls and all toll revenue collected on Interstate 66 inside the beltway and the high-occupancy toll lanes on Interstate 395 to be directed to the Northern Virginia Transportation Authority. Recommend oppose. (20102275D)

HB 1389 (LaRock) (HTRAN) requires affirmative authorization by the General Assembly in an appropriation act for any funds in the Commonwealth, including local and regional funds and toll revenues, to be used for a transportation project physically located outside of the Commonwealth. Recommend oppose. (20104309D)

HB 1511 (McQuinn) (HTRAN)/**SB 916** (Marsden) (STRAN) the bill raises from \$25 to \$30 the additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday. The bill requires localities in Planning District 8 and Planning District 16 to set such additional fee at

between \$25 and \$30. Current law requires such localities to set such additional fee at \$25. Recommend monitor. (20104626D, 20104641D)

SB 277 (Barker) (SFIN) establishes, starting in taxable year 2020, an individual and corporate income tax deduction for commuter benefits, defined in the bill, provided by an employer to its employees. The deduction is available only to the employer and is limited to \$265 per employee. Recommend support. (20103304D)

SB 759 (Marsden) (STRAN) authorizes law-enforcement officers to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such photo speed monitoring device. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred. Recommend support. (20105147D)

SB 848 (Ebbin) (SRUL) changes from November 1 to December 15 the annual reporting date of the Northern Virginia Transportation Commission to the Governor and the General Assembly regarding the performance of the Washington Metropolitan Area Transit Authority. Recommend support. (20102147D)

Peer-to-Peer Vehicles

HB 891 (Sickles) (HTECH)/**SB 749** (Cosgrove) (SCL) establishes taxation, insurance coverage, sale of insurance, disclosure, safety recall, airport operation, and recordkeeping requirements for peer-to-peer vehicle sharing platforms, as defined in the bill. Recommend support. Support efforts to provide taxation parity with existing rental vehicle services. (20105150D, 20105235D)

HB 892 (Sickles) (HFIN)/ **SB 750** (Cosgrove) (SFIN) provides that peer-to-peer vehicle sharing platforms, as defined in the bill, are renters for the purposes of taxation. Recommend support. Support efforts to provide taxation parity with existing rental vehicle services. (20102554D, 20102741D)

Elections

Absentee Voting

SB 111 (Howell) (Senate Floor) permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. Recommend support. Collaborate with stakeholders to ensure bills can be successfully implemented. (20105793D-S1)

HB 1 (Herring) (HPE)/**HB 25** (Lindsey) (HPE)/**HB 209** (Murphy) (HPE) permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. Recommend support. Collaborate with stakeholders to ensure bills can be successfully implemented. (20101095D, 20100509D, 20101232D)

Firearms

HB 812 (Ward) (HPS)/**SB 69** (Locke) (Passed Senate) prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. Recommend support. (20103354D, 20105654D-S1)

HB 1083 (Hayes) (HPS)/**SB 581** (Howell) (SJUD) provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor. Recommend support. (20102956D, 20102952D)

SB 35 (Surovell) (Passed Senate) authorizes a locality to adopt an ordinance prohibiting the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof in any building owned or used by such locality for governmental purposes, in public parks owned by the locality, or in any public street, road, alley, sidewalk or public right-of-way or any other place that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The bill allows such ordinance to include a provision for security measures designed to reasonably prevent unauthorized access of such areas by a person with a firearm, ammunition, or components or combination thereof. The bill requires a locality to post notice of any such prohibition at all entrances of buildings used for governmental purposes, at all entrances to public parks owned by this locality, and at all entrances or other appropriate

places of ingress and egress to any public street, road, alley, sidewalk or public right-of-way that is open to the public and being used by or adjacent to a permitted event or an event that would otherwise require a permit. The bill also provides that a locality adopting an ordinance regarding the disposition of certain acquired firearms must destroy the firearm unless the person surrendering the firearm requests in writing that the firearm be offered for sale by public auction or sealed bid to a person licensed as a dealer. The bill also repeals the statute prohibiting localities from suing a firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association for damages, abatement, injunctive relief or any other remedy resulting from or relating to the lawful design, marketing, manufacture, distribution, sale, or transfer of firearms or ammunition to the public. Recommend support. (20105646D-S1)

Health and Human Services

HB 93 (Kory) (HFIN) prohibits the sale or distribution of flavored tobacco products, defined in the bill, and creates a civil penalty of \$1,000 for a first offense and \$5,000 for a second or subsequent offense. Recommend support. (20100213D)

HB 1174 (Lopez) (HED) requires each local school board to adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers in every 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 a prescriber and trained in the administration of albuterol inhalers for any student believed in good faith to be in need of such medication. The bill limits the liability of (i) any such individual who provides, administers, or assists in the administration of an albuterol inhaler for a student believed in good faith to be in need of such medication and (ii) the prescriber of such medication. Recommend oppose. (20103635D)

HB 1214 (Simonds) (HHWI)/**SB 117** (Favola) (SRSS) reduces from five to three the number of children for whom a family day home must obtain a license to provide child care services. Recommend amend. Amend to allow Fairfax County to maintain its current local permitting program. (20102193D, 20102365D)

SB 151 (Stuart) (SEH) 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 or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12. Recommend oppose. Potential fiscal impact to Fairfax County is \$16.3 million to achieve the goal of one full-time equivalent nurse in every school, and \$22.6 million to achieve the goal of one full-time equivalent nurse per 550 students, based on the current staffing model. (20101419D)

SB 297 (Favola) (SRSS) creates the Virginia Sexual and Domestic Violence Prevention Fund, which shall be administered by the Department of Social Services, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, and used to develop and support programs that prevent sexual and domestic violence through strategies that (i) promote healthy practices related to relationships, sexuality, and social-emotional development

and (ii) counteract the factors associated with the initial perpetration of sexual and domestic violence. Recommend support. (20103455D)

SB 768 (Barker) (SRUL) directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish a work group to (i) review the current process for conducting evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention, including any challenges or barriers to timely completion of such evaluations and factors giving rise to delays in completion of such evaluations, and (ii) develop a comprehensive plan to expand the categories of individuals who may conduct evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention in order to expedite the evaluation process. The work group shall report its findings and conclusions and the comprehensive plan to the Governor and the Chairmen of the House Committee on Health, Welfare, and Institutions, Senate Committee on Education and Health, and Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. Recommend amend. Amend to include input from local CSB practitioners and analysis of processes used in other states. (20103578D)

Land Use

HB 151 (Samirah) (HCCT) provides that all localities shall allow for the development and use of one accessory dwelling unit (ADU) per single-family dwelling (SFD), notwithstanding any contrary provision of a zoning ordinance. The bill defines "accessory dwelling unit" or "ADU" as an independent dwelling unit on a single-family lot with its own living, bathroom, and kitchen space that may be within or attached to SFDs or in detached structures on lots containing SFDs. ADUs may include basements, attics, flats, guest houses, cottages, and converted structures such as garages and sheds. The bill requires localities to regulate the size and design of ADUs through an approval process, as well as regulate fees, parking, and other requirements, provided that the regulations (i) are not so arbitrary, excessive, or burdensome, individually or cumulatively, as to unreasonably restrict the ability of property owners to utilize or create ADUs and (ii) do not require the property owner to occupy the ADU or SFD as his primary residence. Recommend oppose. (20104473D)

HB 152 (Samirah) (HCCT) requires all localities to allow development or redevelopment of "middle housing" residential units upon each lot zoned for single-family residential use. Middle housing is defined as two-family residential units, including duplexes, townhouses, cottages, and any similar structure. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized residential uses. Localities may regulate the siting, design, and environmental standards of middle housing residential units, including setback requirements, provided that the regulations do not, individually or cumulatively, discourage the development of all two-family housing types permitted through unreasonable costs or delay. Recommend oppose. (20104474D)

HB 657 (Heretick) (HLC)/**SB 893** (Marsden) (SLG) exempts a solar facility that is 150 megawatts or less from the requirement that it be reviewed for substantial accord with a locality's comprehensive plan. Recommend oppose. (20102662D, 20102707D)

HB 726 (Reid) (HCCT)/**SB 746** (Bell) (SLG) extends the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment from 90 to 180 days. Recommend support. (20104803D, 20105016D)

HB 173 (Krizek) (HAG) directs the Department of Game and Inland Fisheries not to license any stationary waterfowl blind in any area in which a local governing body prohibits by ordinance the hunting of birds with a firearm. Recommend support. (20100497D)

SB 435 (Surovell) (SACNR) directs the Department of Game and Inland Fisheries not to license any stationary waterfowl blind in any area in which a local governing body prohibits by ordinance the hunting of birds with a firearm. Recommend support. (20105779D-S1)

SB 589 (Hanger) (SLG) requires zoning administrators to provide notice of all decisions and determinations to the agents or occupants of property abutting or across the road from the affected property. Recommend oppose. (20100255D)

Eminent Domain

SB 31 (Petersen) (SJUD) provides that the costs of filing a petition with the court for the distribution of the funds due pursuant to an eminent domain proceeding shall be taxed against the condemnor. The bill also provides that the interest rate on the funds represented by a certificate of deposit from the date of filing of the certificate until the funds are paid into the court shall not be less than the judgment rate of interest. Finally, the bill reorganizes for clarity the provisions governing what happens upon recordation of a certificate by the Commissioner of Highways in a condemnation proceeding. Recommend monitor. (20100604D)

SB 485 (DeSteph) (SJUD) repeals the provision of the Code of Virginia declaring that the acquisition of residual parcels when acquiring land for highway rights-of-way is in the public interest and is a public use. The bill provides a property owner with the ability to decide whether acquisition would create an uneconomic remnant or whether the damage to the remainder of a piece of acquired property would equal or exceed the fair market value of the remaining land. Recommend oppose. (20104245D)

Environment and Energy

SB 532 (Edwards) (SCL) exempts sellers under third-party power purchase agreements from being defined as a public utility, public service corporation, public service company, or electric utility solely because of the sale of electricity or ownership or operation of a distributed generation facility. The measure provides that the sale of electricity generated at a distributed energy facility by a person that is not a public utility, public service corporation, or public service company to a customer that is purchasing or leasing the distributed energy facility under the terms of a third-party power purchase agreement does not constitute the retail sale of electricity. The measure proscribes State Corporation Commission regulation of the sale of electric energy that is generated on site by a distributed generation facility pursuant to a third-party power purchase agreement. The measure also repeals the pilot program initially enacted in 2013 that authorized Dominion Energy to enter into certain third-party power purchase agreements providing financing of certain renewable generation facilities. Recommend support. (20102819D)

SJ 32 (Bell) (SRUL) requests the Department of Environmental Quality to study the impact of electric vehicles and develop a Clean Transportation Plan. Recommend support with amendment to encourage consideration of the impact on transportation revenue resulting from the increase in use of electric vehicles. (20104293D)

Plastic Bags

SB 11 (Ebbin) (SFIN) authorizes any locality to impose a tax of five cents per bag on disposable paper bags or disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain one cent of the five-cent tax. Recommend support. (20100728D)

SB 193 (Favola) (SLG) authorizes a locality to prohibit by ordinance the purchase, sale, or provision, whether free or for a cost, of certain single-use products that are not recyclable or compostable and for which there is a suitable and cost-effective compostable or recyclable alternative product available, with certain exceptions. The bill also authorizes any locality to impose a five-cent per item tax on single-use plastics and polystyrene products provided to customers by certain retailers, with certain products being exempt from the tax. The bill directs revenue from the local tax to be used by the locality imposing the tax for cleanup or education programs designed to reduce waste. The bill allows every restaurant or retailer that collects the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner. Recommend support. (20101425D)

SB 198 (Locke) (SLG) allows any locality by ordinance to prohibit the distribution, sale, or offer for sale of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness, bags that are used to carry certain products, such as ice cream or newspapers, and garbage bags that are sold in multiples. Recommend support. (20101662D)

Procurement

HB 1078 (Hope) (HGL) provides that a public body may include a proposer's employment of persons with disabilities to perform the specifications of the contract as a factor in evaluating a proposal. Recommend support. (20104594D)

SB 475 (Bell) (SGL) authorizes any public body to procure construction on a best value procurement basis using a numerical scoring system consisting of the following: (i) technical solution, 30 percent; (ii) past performance, 30 percent, including (a) price history of cost overruns, (b) schedule history of on-time delivery, and (c) contractor performance ratings from the immediately preceding five-year period; and (iii) price, 40 percent. The Request for Proposal shall contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis. The Request for Proposal shall describe (1) the criteria that will be considered in evaluating the proposals and (2) the numerical scoring system that will be used in evaluating the proposals, including identification of the factors and weight values set forth in the bill. Recommend support. (20102619D)

Public Safety/Criminal Justice

Unmanned Aircraft Systems

HB 311 (Gooditis) (HTECH)/**HB 742** (Bulova) (HTECH) authorizes a political subdivision to adopt time, place, or manner restrictions regarding the takeoff or landing of unmanned aerial systems on property owned by the political subdivision. Recommend support. Support concept of providing authority for political subdivisions to adopt restrictions regarding takeoff and landing of unmanned aerial systems on their property. Collaborate with stakeholders to ensure language of bill accomplishes this goal. (20101775D, 20102308D)

HB 1227 (LaRock) (HTECH) authorizes a political subdivision to adopt time, place, or manner regulations regarding the takeoff or landing of unmanned aerial systems on property owned by the political subdivision, provided such regulations are narrowly tailored to protect the health, safety, and welfare of the public. Takeoff and landing regulations adopted by a political subdivision shall not apply to persons authorized by federal regulations to operate an unmanned aircraft system provided such system is operated in an otherwise lawful manner and consistent with federal regulations. A political subdivision shall annually report to the Department of Aviation any regulations adopted pursuant to this section. Recommend support. Support concept of providing authority for political subdivisions to adopt restrictions regarding takeoff and landing of unmanned aerial systems on their property. Collaborate with stakeholders to ensure language of bill accomplishes this goal. (20105013D)

Taxation

HB 948 (Webert) (HFIN) provides that any locality that levies license taxes shall be prohibited from increasing the rate of those taxes above the rate imposed as of January 1, 2020. The bill also prohibits any locality that does not levy license taxes from levying such a tax in the future. Recommend oppose. (20104260D)

HB 977 (Krizek) (HFIN) removes the four percent limit on the tax rate that counties may impose on food and beverages. The bill also removes the requirement that a county hold a referendum before imposing such a tax. Recommend support. (20105088D)

Workers' Compensation

HB 438 (Heretick) (HLC) provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, which includes an event occurring in the line of duty on or after July 1, 2020, in which a law-enforcement officer or firefighter views a deceased minor, witnesses the death of a person or an incident involving the death of a person, witnesses an injury to a person who subsequently dies, has physical contact with and treats an injured person who subsequently dies, transports an injured person who subsequently dies, or witnesses a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in permanent

disfigurement of the victim. Other conditions for compensability include (i) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (ii) if the law-enforcement officer's or firefighter's undergoing a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (iii) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (iv) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure establishes procedural requirements on employers that contest a claim for such benefits. The measure also establishes requirements for resilience and self-care technique training. Recommend support. (20102221D)

SB 561 (Vogel) (SFIN) provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, which includes an event occurring in the line of duty on or after July 1, 2020, in which a law-enforcement officer or firefighter views a deceased minor, witnesses the death of a person or an incident involving the death of a person, witnesses an injury to a person who subsequently dies, has physical contact with and treats an injured person who subsequently dies, transports an injured person who subsequently dies, or witnesses a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in permanent disfigurement of the victim. Other conditions for compensability include (i) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (ii) if the law-enforcement officer's or firefighter's undergoing a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (iii) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (iv) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure establishes procedural requirements on employers that contest a claim for such benefits. The measure also establishes requirements for resilience and self-care technique training. Recommend support. (20105715D-S1)

Legislation Provided for Discussion

Administration of Government

HB 636 (LaRock) (HCCT) requires a county to provide the same and equal services to residents of incorporated towns within the county as are provided to other residents of the county. However, if the local governing body of a town adopts a resolution that provides that the town shall provide a specific service and sends a copy of the resolution to the local governing body of the county, a county shall not be required to provide that service to town residents. (20100847D)

Affordable Housing

SB 638 (Surovell) (SLG) provides that in any locality with an existing or planned Metrorail station, such locality shall require that at least 10 percent of new residential dwelling units in any building that is at least six stories in height be affordable dwelling units, defined in the bill, if the proposed project is within one-half mile of an existing or planned Metrorail station. (20101041D)

Transportation

HB 283 (Cole, J.) (HTRAN) prohibits construction or maintenance that blocks a lane of travel on a primary or interstate highway between 6:00 a.m. and 6:00 p.m. (20101687D)

HB 983 (Delaney) (HTRAN) authorizes traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to be equipped with flashing red or red and white secondary warning lights. (20104763D)

SB 644 (Boysko) (STRAN) adds traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to a list of vehicles exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident. The bill also allows such vehicles to be equipped with sirens and flashing red or red and white secondary warning lights. (20102092D)

HB 1293 (Helmer) (HTRAN) prohibits the use of state funds for the extension of Shirley Gate Road in Fairfax County until the intersection at Popes Head Road and Fairfax County Parkway has been redesigned and the traffic light removed. (20101490D)

Transit Funding

HB 729 (Watts) (HFIN)/**SB 899** (Saslaw) (SFIN) raises the existing regional transportation fee, a grantor's tax, from \$0.15 per \$100 to \$0.20 per \$100 for localities in the Northern Virginia Transportation Authority that are also members of the Northern Virginia Transportation District. The bill requires half of the revenues to be deposited in the Northern Virginia Transportation Authority Fund and half to be deposited in the Washington Metropolitan Area Transit Authority (WMATA) Capital Fund. The rate of tax in the other localities will remain at \$0.15 per \$100, with one-third of the revenues to be retained by the locality to be used for transportation purposes and the other two-thirds to be deposited in the Northern Virginia Transportation District Fund. The bill also raises the existing transient occupancy tax in the localities located in the Northern Virginia

Transportation District from \$2 to \$3, with all of the revenues from the tax being used to support WMATA. (20101892D, 20101937D)

HB 1414 (Filler-Corn) (HTRAN)/**SB 890** (Saslaw) (SFIN) amends numerous law related to transportation funds, revenue sources, construction, and safety programs. The bill adopts numerous structural changes to the transportation funding system in the Commonwealth that will be phased in over four years. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund, and then disbursed to subfunds. The existing gas tax based on a percentage is converted to a cents-per-gallon tax. A rate of \$0.282 per gallon of gasoline will be phased in over three years, and then annually indexed. The regional gas tax will be converted from a percentage to cents per gallon (\$0.076). Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles (DMV) will implement a Highway Use Fee for alternative fuel and fuel efficient vehicles, with an option for those whose vehicles subject to this fee to instead enroll in a mileage-based user fee program to be developed by DMV. In Northern Virginia, the regional transportation improvement fee, used to support WMATA, is lowered to \$0.10 per \$100 for the recordation of conveyance of a deeds. A new regional congestion fee is imposed at a rate of \$0.15 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from \$2 to \$3. The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System, and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors. The bill establishes a new Virginia Passenger Rail Authority. The bill adopts several safety initiatives, including: (i) making it illegal to possess an open container of alcohol in a motor vehicle, (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense, (iii) prohibiting the use of handheld personal communication devices, (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine, and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. The DMV Commissioner will establish an advisory committee to oversee education and enforcement of policies such as the seatbelt and hands-free provisions. The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Robert O. Norris Bridge and Statewide Special Structures Program, and a Transit Incentive Program. (20103440D, 20103443D)

HB 1586 (Watts) (HAPP) provides that increases in service approved by the Washington Metropolitan Area Transit Authority Board shall not be included in the calculation of the annual increase in total operating expenses included in an approved WMATA budget. (20105593D)