

**Legislation Requiring Further Review, Staff “Watch List” and
Legislation Provided for Information
Board of Supervisors Legislative Committee
February 21, 2020**

Legislation Requiring Further Review

HB 624 (Hurst) (Passed House; SGL) provides that any company that employs 100 or more employees shall annually provide certain compensation information for each employee to the Division of Human Rights. The bill requires the Division, by November 30 of each year, to utilize such information to develop a standard for how to evaluate discrimination in compensation on the basis of gender. For purposes of the bill, "employer" is defined as an individual, partnership, association, corporation, legal representative, receiver, trustee, or trustee in bankruptcy doing business in or operating within the Commonwealth who employs another to work for wages or salaries or on commission. (20107023D-H1)

HB 1452 (Hope) (Passed House; Reported from SEH)/**SB 738** (Deeds) (Passed Senate; House Floor) clarifies that a person can be subject to a temporary detention order for observation and treatment related to intoxication where the person is located, upon a finding that (i) probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment due to intoxication and (ii) the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the individual resulting from such intoxication. The duration of such a temporary detention shall not exceed 24 hours. The bill provides that a person subject to emergency custody due to a mental illness shall remain in custody until (a) a temporary detention order is issued in accordance with § 37.2-809; (b) an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law enforcement custody; (c) the person is released; or (d) the emergency custody order expires. The bill directs the Department of Behavioral Health and Developmental Services to convene a work group to develop standard policies and procedures regarding medical temporary detention orders. The work group shall complete its work no later than July 1, 2020. (20107324D-H1, 20106084D-S1)

SB 1051 (Deeds) (Passed Senate; HGL) provides that upon a petition filed with the clerk, a judge may enter an order releasing any record in the custody of The Library of Virginia that was sealed prior to January 1, 1901. The bill also provides that any images of public records created prior to January 1, 1901, shall be in the public domain and free from certain restrictions. (20107856D-S1)

Courts and Public Safety

SB 667 (Boysko) (Passed Senate; HCT) provides that no individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol; possession of a controlled substance; possession of marijuana; intoxication in public; or possession of controlled paraphernalia if (i) such individual (a) seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, or (b) is experiencing an overdose and another individual seeks or obtains emergency

medical attention for him; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of an individual seeking or obtaining emergency medical attention. The bill also provides that no law-enforcement officer acting in a good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution. Current law provides an affirmative defense to such offenses only when an individual seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose. (20104169D-E2)

Environment and Energy

HB 75 (Kory) (Passed House; SCL) authorizes Dominion Energy to implement a pilot program under which it will deploy electric school buses in participating school divisions in its service territory. The initial phase of the pilot program is limited to the deployment of 50 electric school buses at a cost of up to \$13.5 million. In each of the five years thereafter, the pilot program may be expanded by up to 200 additional electric school buses at a cost of up to \$54 million per year. The pilot program provides that (i) the utility may use vehicle-to-grid technology to access electricity in the storage batteries of the electric school buses when they are not in use and (ii) the primary purpose of electric school buses is student transportation and if the Phase II utility's use of the battery compromises the school boards' ability to transport the students either through bus unavailability or insufficient charge, then the Phase II utility will compensate the school board. The duration of the pilot program shall not exceed 10 years, though the utility may petition the State Corporation Commission to make it permanent. Program costs, including the incremental cost of the electric school buses, are recoverable through the utility's base rates. (20107881D-H1)

HB 1136 (Lopez) (Passed House; SACNR) directs the Department of Environmental Quality to compile and maintain a Hazardous Waste Site Inventory, consisting of a list of sites permitted by or in corrective action under the Department at which the disposal of hazardous waste has occurred. The bill requires the Inventory to be published by July 1, 2021, and updated annually. (20107120D-H1)

Housing

SB 708 (McClellan) (Passed Both Houses) requires that any housing authority required to submit an application to the U.S. Department of Housing and Urban Development to demolish, liquidate, or otherwise dispose of a housing project serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project, containing specified information, at least nine months prior to any application submission date to (i) the Virginia Department of Housing and Community Development, (ii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project, and (iii) each tenant residing in the housing project. The bill requires the authority to also serve such notice on any prospective tenant who is offered a rental agreement subsequent to the initial notice. During the nine-month period subsequent to the initial notice of intent to demolish, liquidate, or otherwise dispose of a housing project, the housing authority is prohibited from (a) increasing rent for any

tenant above the amount authorized by any federal assistance program applicable to the housing project; (b) changing the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; or (c) evicting a tenant or demanding possession of any dwelling unit in the housing project, except for a lease violation or violation of law that threatens the health and safety of the building residents. The bill has a delayed effective date of January 1, 2021. (20108251D-H1)

SB 905 (Stanley) (Passed Senate; HGL) permits a tenant, under certain circumstances, to have a condition that constitutes a material noncompliance by the landlord with the rental agreement or with provisions of law, or that if not promptly corrected will constitute a fire hazard or serious threat to the life, health, or safety of occupants of the premises, remedied by a third-party licensed contractor. The bill provides that, unless the tenant has been reimbursed by the landlord, the tenant may deduct from rent the actual costs incurred, not to exceed the amount of one month's periodic rent, after submitting to the landlord an itemized statement accompanied by receipts for purchased items and third-party contractor services. (20107742D-S1)

Land Use

HB 665 (Mullin) (Passed House; SCL) requires the State Corporation Commission (SCC), prior to approving the construction of any electrical transmission lines of 138 kilovolts or more, to determine that the corridor or route chosen for the line will avoid or reasonably minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with the Department of Historic Resources, and environment of the area concerned. Currently, the SCC is required to determine that such a line's corridor or route will reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned. (20102992D-E)

HB 831 (Carroll Foy) (Passed House; Senate Floor) declares that it is the policy of the Commonwealth that (i) easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services; (ii) the use of easements to provide or expand broadband or other communications services is in the public interest; (iii) the installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest; (iv) the use of easements to provide or expand broadband or other communications services (a) does not constitute a change in the physical use of the easement, (b) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate, (c) does not place any additional burden on the servient estate other than a de minimis burden, if any; (iv) has value to the owner or occupant of the servient estate greater than any de minimis impact; and (v) the installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure further provides that (1) absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement shall be deemed, as a matter of law, to be a permitted use within the

scope of every easement for the location and use of electric and communications facilities and (2) subject to compliance with any express prohibitions in a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. The measure provides that, in cases of a prescriptive easement, such easement is deemed to exist and that any incumbent utility or communications provider may use a prescriptive easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. (20108365D-S1)

SB 794 (Lewis) (Passed Senate; House Floor) declares that it is the policy of the Commonwealth that (i) easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services; (ii) the use of easements to provide or expand broadband or other communications services is in the public interest; (iii) the installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest; (iv) the use of easements to provide or expand broadband or other communications services (a) does not constitute a change in the physical use of the easement, (b) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate, (c) does not place any additional burden on the servient estate other than a de minimis burden, if any; (iv) has value to the owner or occupant of the servient estate greater than any de minimis impact; and (v) the installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure further provides that (1) absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement shall be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric and communications facilities and (2) subject to compliance with any express prohibitions in a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. The measure provides that, in cases of a prescriptive easement, such easement is deemed to exist and that any incumbent utility or communications provider may use a prescriptive easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner

or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. (20108506D-H1)

Monuments

HB 1537 (McQuinn) (Passed House; SLG) provides that a locality may remove, relocate, or alter any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. (20107987D-EH1)

SB 183 (Locke) (Passed Senate; HCCT) provides that a locality may remove, relocate, contextualize, cover, or alter any monument or memorial for war veterans located in its public space, except in a publicly owned cemetery, regardless of when erected and removes certain criminal and civil penalties for such removal, relocation, or alteration. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. The bill requires that such locality initiate such process by passing a resolution stating its intention and (i) formally request the Virginia Department of Historic Resources (Department) to prepare a report that, at a minimum, sets forth the background of the person or people depicted on the monument or memorial, the circumstances surrounding the establishment of the monument or memorial, and whether the monument or memorial qualifies for placement on the Virginia Landmarks Register or the National Register of Historic Places; (ii) no sooner than 30 days after publication of the report on its website, hold a public hearing to solicit comments; (iii) no sooner than 10 days after completion of the public hearing, vote whether to remove, relocate, contextualize, cover, or alter the monument or memorial; such motion requires an affirmative vote of two-thirds of the members elected to the governing body for passage. The bill authorizes the local governing body to call for an advisory referendum prior to voting on such motion; and (iv) for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The bill provides that the local governing body shall have sole authority to determine the final disposition of the monument or memorial. The bill repeals an 1890 act of assembly related to the placement of a statue in the City of Alexandria and does not apply to a monument or memorial located on the property of a public institution of higher education within the City of Lexington. (20107671D-E2S2)

Workers' Compensation

HB 46 (Carter) (Passed House; SCL) requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether the employer intends to accept or deny the claim or is unable to make such a determination because it lacks sufficient information from the employee or a third party. If the employer is unable to make such a determination because it lacks sufficient information from the employee or a third party, the employer shall so state and identify the needed additional information. If the employer intends to deny the claim, it shall provide the reasons. (20100826D-E)

HB 617 (Guzman) (Passed House; SCL) directs the Virginia Workers' Compensation Commission to engage an independent and reputable national research organization to examine the implications of covering workers' injuries caused by repetitive motion through the Virginia workers' compensation system. (20107419D-H1)

“Watch List”/May Have State Revenue/Policy Implications

Miscellaneous

HB 154 (Kilgore) (Passed Both Houses) conforms Virginia's law regarding credits to insurers for reinsurance ceded to approved assuming insurers to the provisions of the Credit for Reinsurance Model Law of the National Association of Insurance Commissioners. The bill eliminates the reinsurance collateral requirements for assuming insurers that are domiciled in or have their head office in a reciprocal jurisdiction, which is defined in the bill. Under the bill, such assuming insurers are required to maintain a minimum capital and surplus, maintain a minimal solvency or capital ratio, as applicable, and provide notice to the State Corporation Commission in the event of noncompliance of any requirements. The bill requires the Commission to create and publish a list of reciprocal jurisdictions and assuming insurers. (20104676D-H1)

Administration of Government

HB 106 (Cole, M.) (Communicated to Governor) provides that an ordinance that requires buildings to have visible numbering may include provisions for a civil penalty not to exceed \$100 for a violation that has not been corrected within 15 days of notice of such violation. Civil penalties assessed under this provision shall be paid into the treasury of the locality where the violation occurred. (HB106ER)

HB 150 (Samirah) (Communicated to Governor) allows certain localities to impose a civil penalty not exceeding \$500 per month on owners of derelict residential property that have not submitted a required plan to renovate or demolish the derelict structure. The bill prohibits the total of such fee from exceeding the cost to demolish the building. (HB150ER)

HB 420 (Price) (Passed House; SFIN) directs the Department of Emergency Management (the Department) to ensure that the model school crisis and emergency management plan developed by the Board of Education in consultation with the Department is designed to include and reach individuals with limited English proficiency or access and functional needs. The bill also directs the Department to develop an emergency response plan to (i) address the needs of such individuals in the event of a disaster, including the provision of competent interpretation services and translated documents, and (ii) assist and coordinate with local agencies in developing similar emergency response plans for such individuals. The bill requires that every local and interjurisdictional emergency management agency include in its emergency operations plan provisions to ensure that adequate and timely emergency relief assistance, including competent interpretation services and translated documents, is provided to such individuals. The bill requires the governing body of each locality that is required to establish an alert and warning plan to ensure that such plan provides adequate and timely warnings for such individuals. The bill contains technical amendments. (20108688D-S1)

HB 515 (Bulova) (Communicated to Governor) requires a county operating under the urban county executive form of government (Fairfax County) to designate an additional seat on the board of social services for a qualified citizen of each city to which the county is contractually obligated to provide social services. (HB515ER)

HB 760 (Aird) (Passed House; SLG) provides an enforcement mechanism if a locality that is late in completing its required audit fails to give proper notification of the delayed audit. Such enforcement may include a writ of mandamus and a civil penalty of between \$500 and \$2,000. (20103611D)

HB 1213 (Heretick) (Passed Both Houses) permits localities to appoint and train local government employees to enforce local ordinances by issuing summonses for misdemeanor violations of ordinances that are within the scope of the employee's employment. The bill provides that such employees shall not have the power and authority of constables at common law and their power shall be limited to issuing such summonses in their locality. (20108191D-S1)

Courts

HB 172 (Krizek) (Passed House; Senate Floor) creates the Virginia State Police Electronic Summons System Fund, which is funded by a \$5 fee required by the bill to be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation. The bill directs that the Fund be used for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Under current law, localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes. (20103771D-E)

HB 277 (Price) (Passed Both Houses)/**SB 736** (Obenshain) (Passed Both Houses) allows courts to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work during imprisonment. Under current law, credit may be earned only for the performance of community service work completed before or after imprisonment. This bill incorporates HB 965. (HB277ER, 20107103D-S1)

HB 1605 (Hope) (Passed Both Houses)/**SB 553** (Ruff) (Passed Both Houses) incorporates major provisions of the Uniform Partition of Heirs Property Act. The bill provides that in partition actions the court shall order an appraisal to determine fair market value of the property, unless the parties have agreed to the value of the property or to another valuation method. The bill also provides factors to be considered by the court when making an allotment of the property when there is a dispute among the parties. The bill further provides that if the court orders a sale of property in a partition action, the sale shall be conducted on the open market, unless the court finds that a sale by sealed bids or at auction would be more economically advantageous to the parties as a group. The bill outlines the procedure for such open-market sale. (HB1605ER, 20106043D-S1)

HB 1725 (Campbell, J.) (Passed House; Reported from SJUD) provides that a judicial assistant serving a circuit court judge and whose position is funded in whole or in part by a county or city shall serve at the pleasure and under the sole management and supervision of the presiding judge of the circuit court. (20108661D-S1)

SB 408 (Hashmi) (Passed Senate; HCT) provides that the clerk of the appellate court to which an order of protection is appealed shall have the parties served with notice of the appeal stating the

date and time of the hearing and that such a hearing shall not take place unless the appellee has been served or has waived service. (20107785D-S1)

SB 684 (Mason) (Passed Senate; HCT) responds to the holding in *Paugh v. Henrico Area Mental Health and Developmental Services*, Record No. 121562 (2013), in which the Supreme Court of Virginia held that on appeal by trial de novo in circuit court of an order of involuntary commitment by a district court, upon the circuit court's finding that the appellant no longer meets the criteria for involuntary commitment, the proper remedy is dismissal of the Commonwealth's petition for involuntary commitment, thereby rendering the original commitment order a nullity. As such, because the original petition would in effect never have existed, forfeiture of the right to possess a firearm as required by § 18.2-308.1:3 upon involuntary commitment would no longer be in effect. Section 18.2-308.1:3 requires that a person who has been involuntarily committed and seeks to have his firearm rights restored petition a district court for restoration of his firearm rights. The ruling in *Paugh*, by requiring dismissal of the original petition for commitment, removes that requirement even though on the date of the original commitment hearing the person did meet the criteria for commitment and was, in fact, involuntarily committed. The bill provides that notwithstanding the outcome of any appeal (trial de novo on the petition for commitment) taken pursuant to § 37.2-821, the appellant shall be required to seek restoration of his firearm rights. The bill also provides that upon a finding by the circuit court that the appellant no longer meets the criteria for involuntary commitment or mandatory outpatient treatment, the court shall reverse the order of the district court but shall not dismiss the Commonwealth's petition. As a consequence of these changes, a person who is involuntarily committed would be required to petition for restoration of his firearm rights notwithstanding the reversal of the commitment order by a circuit court. (20104751D)

Driver's License Suspension – Non-Driving Related Offenses

HB 909 (Hayes) (Passed House; SFIN) removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense, (ii) for non-payment of certain fees owed to a local correctional facility or regional jail, and (iii) for shoplifting motor fuel. (20102919D-E)

SB 513 (Edwards) (Passed Senate; HAPP) removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense; (ii) for non-payment of certain fees owed to a local correctional facility or regional jail; and (iii) for shoplifting motor fuel. The provisions of the bill are contingent on funding in a general appropriation act. (20107868D-ES1)

SB 711 (McClellan) (Passed Senate; HCT) eliminates the mandatory minimum term of confinement in jail of 10 days for a third or subsequent conviction of driving on a suspended license. (20104841D)

Expungement

SB 306 (Stanley) (Passed Senate; HCT) provides that a court shall enter an order of destruction for police and court records, in the absence of good cause shown to the contrary by the

Commonwealth, for a deferred disposition dismissal of (i) underage alcohol possession when one year has passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied or (ii) possession of marijuana when three years have passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied. The bill also provides that any person who has received such deferred disposition dismissals may file a petition with the court that disposed of such charge for an order of destruction at any time provided that all court costs and fines and all orders of restitution have been satisfied. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference. The provisions of the bill are contingent on funding in a general appropriation act. This bill incorporates SB 287. (20106744D-ES1)

SB 608 (Norment) (Passed Senate; HCT) allows a person to petition for the expungement of the police and court records relating to such person's conviction for misdemeanors and certain felonies if he has been granted a simple pardon for the crime. The bill also allows a person to petition for an expungement of the police and court records relating to convictions of marijuana possession, underage alcohol or tobacco possession, and using a false ID to obtain alcohol, and for deferred disposition dismissals for possession of controlled substances or marijuana, underage alcohol or tobacco possession, and using a false ID to obtain alcohol, when all court costs, fines, and restitution have been paid, and five years have elapsed since the date of completion of all terms of sentencing and probation. Under current law, police and court records relating to convictions are only expunged if a person received an absolute pardon for a crime he did not commit. This bill incorporates SB 118 and SB 517. (20106735D-ES1)

Specialty Dockets

SB 499 (Reeves) (Passed Senate; Reported from HCT) provides that any veterans docket authorized and established as a local specialty docket in accordance with the Rules of Supreme Court of Virginia shall be deemed a "Veterans Treatment Court Program," as that term is used under federal law or by any other entity, for the purposes of applying for, qualifying for, or receiving any federal grants, other federal money, or money from any other entity designated to assist or fund such state programs. The bill contains an emergency clause. (20103355D)

SB 818 (Morrissey) (Passed Senate; Reported from HCT) establishes, by the Behavioral Health Docket Act (the Act), behavioral health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have mental illness and co-occurring substance abuse issues. The bill establishes a state behavioral health docket advisory committee and requires localities intending to establish such dockets to establish local behavioral health docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1). (20108513D-H1)

Education and Schools

HB 256 (Mullin) (Passed Both Houses)/**SB 3** (McClellan) (Passed Both Houses) provides that a student at any elementary or secondary school is not guilty of disorderly conduct in a public place

if the disorderly conduct occurred on school property, on a school bus, or at any activity conducted or sponsored by any school. This bill incorporates HB 8. (HB256ER, 20105818D-S1)

HB 292 (VanValkenburg) (Passed Both Houses) shortens from every five years to every two years the frequency of the review period for memorandums of understanding between school boards and local law-enforcement agencies. The bill also requires local school boards to conspicuously publish the current division memorandum of understanding on its division website and provide notice and opportunity for public input during each memorandum of understanding review period. This bill incorporates HB 897 and HB 1135. (HB292ER)

HB 257 (Mullin) (Passed House; Passed Senate with Substitute) eliminates the requirement for reports to be made to division superintendents and school principals on incidents involving assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity. The bill also eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. This bill incorporates HB 695. (20108367D-S1)

SB 729 (McClellan) (Passed Both Houses) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. (20102123D)

Elections

HB 220 (Krizek) (Passed House; Senate Floor) requires the envelope provided to an absentee voter for the return of the absentee ballot to include prepaid postage. (20100609D)

HB 1678 (Lindsey) (Passed House; SPE) extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill provides that these changes will not become effective unless reenacted by the 2021 Session of the General Assembly. The bill incorporates HB 1643. (20107627D-H1)

SB 666 (Boysko) (Passed Senate; HPE) requires notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within five days of the denial. This notice is required to be given in writing and in whatever form selected by the applicant on the voter registration application. The bill requires the registration application to request that the applicant provide his telephone number and email address and to allow the applicant to indicate a preferred method of communication. If the general registrar is able to reach the applicant by telephone, corrections may be made by the applicant by telephone. The bill contains technical amendments. (20101350D-E)

SB 740 (Obenshain) (Passed Senate; HPE) requires each county and city precinct to be wholly contained within a single congressional district, Senate district, House of Delegates district, and local election district. The governing body of each county and city is required to establish its precincts immediately following the completion of the decennial redistricting by the General Assembly so that each precinct is wholly contained as required. If a governing body is unable to

establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it is required to apply to the State Board of Elections for a waiver to administer a split precinct. The State Board is authorized to grant the waiver or to direct the establishment of a precinct with less than the minimum number of registered voters as permitted by current law. This bill incorporates SB 119 and SB 121. (20106352D-S1)

Employment and Grievances

HB 1407 (Ward) (Passed House; Passed Senate with Amendment) prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless it is demonstrated that such individual is an independent contractor. The Department of Taxation shall determine whether an individual is an independent contractor by applying Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021. (20105144D-E)

SB 744 (McPike) (Passed Senate; HAPP) prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless and until it is shown that such individual is an independent contractor under Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021. (20108163D-H1)

HB 984 (Delaney) (Passed Both Houses)/**SB 894** (Saslaw) (Passed Senate, HLC) authorizes an individual who has not been properly classified as an employee to bring a civil action for damages against his employer for failing to properly classify the employee if the employer had knowledge of the individual's misclassification. The court may award damages in the amount of any wages, salary, employment benefits, including expenses incurred by the employee that would otherwise have been covered by insurance, or other compensation lost to the individual, a reasonable attorney fee, and the costs incurred by the employee in bringing the action. The measure provides that an individual who performs services for a person for remuneration shall be presumed to be an employee unless it is shown that the individual is an independent contractor as determined under the Internal Revenue Service guidelines. (20105116D, 20105117D)

HB 1199 (Tran) (Passed Both Houses)/**SB 662** (Boysko) (Passed Senate, House Floor) prohibits an employer from discharging, disciplining, threatening, discriminating against, or penalizing an employee or independent contractor because the employee or independent contractor reported or plans to report that an employer or any officer or agent has failed to properly classify an individual as an employee and failed to pay required benefits or other contributions. The measure also prohibits such actions against an employee or independent contractor who is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action. These prohibitions apply only if an employee or

independent contractor acts in good faith and upon a reasonable belief that the information is accurate. The measure authorizes the Commissioner of Labor and Industry to institute proceedings against an employer who has taken such prohibited retaliatory action. Available remedies include reinstatement of the employee and recovery of lost wages. An employer that violates these provisions is subject to a civil penalty equal to the employee's lost wages. (20103498D, 20103500D)

HB 1646 (Krizek) (Passed House, SGL) provides that the Board for Contractors (the Board) shall require a contractor to appropriately classify all workers as employees or independent contractors, pursuant to law. Any contractor who is found to have intentionally misclassified any worker is subject to sanction by the Board. (20105545D)

Minimum Wage

HB 395 (Ward) (Passed House; Passed Senate with Substitute with Amendment) increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9 per hour effective July 1, 2020; to \$11 per hour effective July 1, 2021; to \$13 per hour effective July 1, 2022; and to \$15 per hour effective July 1, 2023, unless a higher minimum wage is required by the federal Fair Labor Standards Act. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to public employees. (20108493D-S1)

SB 7 (Saslaw) (Passed Senate; HLC) increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10 per hour, effective July 1, 2020; to \$11 per hour, effective July 1, 2021; to \$12 per hour, effective July 1, 2022; to \$13 per hour, effective July 1, 2023; to \$14 per hour, effective July 1, 2024; and to \$15 per hour, effective July 1, 2025, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). For July 1, 2026, and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA. (20108108D-ES3)

Environment and Energy

HB 504 (Hope) (Passed House, Senate Floor) adds the preservation of mature trees or planting of trees, both as a water quality protection tool and as a means of providing other natural resource benefits, to the list of activities that the State Water Resources Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas. (20102168D-E)

HB 672 (Willett) (Passed House; SACNR) establishes a policy of the Commonwealth to prevent and to minimize actions that contribute to the detrimental effects of climate change in the Commonwealth. The bill requires any state agency to examine any new regulation in furtherance of this policy. The bill requires local and regional planning commissions to consider the impacts from and causes of climate change in adopting a comprehensive plan, regional strategic plan, or zoning ordinance. (20107166D-H1)

HB 1205 (Tran) (Passed House; SFIN) requires the Department of Environmental Quality (DEQ) to give certain information about an unlawful discharge of a deleterious substance into state waters to the Virginia Department of Health, local newspapers, television stations, and radio stations, and to disseminate such information via official social media accounts and email notification lists within 12 hours of receipt of the information, unless DEQ makes an initial determination that the discharge will have a de minimis impact on state waters. Current law only requires certain of these disclosures and only when the Virginia Department of Health determines that the discharge may be detrimental to the public health or the State Water Control Board determines that the discharge may impair state waters. The bill also requires the Department of Environmental Quality, if the Virginia Department of Health determines that the discharge may be detrimental to the public health, to provide information regarding such determination to the same recipients within 12 hours of receipt of such determination. This bill incorporates HB 1128. (20108508D-S1)

SB 704 (Mason) (Passed Senate; Reported from HAG) requires any operator of at least 50 acres of cropland in the Chesapeake Bay watershed to maintain and implement a nutrient management plan for such cropland which must be prepared by a certified nutrient management planner and approved by the Department of Conservation and Recreation (DCR). The bill requires any person who owns 20 or more bovines in the watershed to install stream exclusion practices that satisfy regulations adopted by the Department of Environmental Quality (DEQ). The bill has a delayed effective date of July 1, 2026, and provides that it shall not become effective unless the Secretary of Natural Resources and the Secretary of Agriculture jointly determine that the Commonwealth's commitments in the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan, as it applies to the agriculture and forestry sector, have not been satisfied. (20108599D-H1)

SB 762 (Barker) (Passed Senate; HFIN) authorizes any locality by ordinance to assess a revenue share of up to \$1,400 per megawatt on any solar photovoltaic (electric energy) project with certain exceptions and expands an existing tax exemption for such projects under certain conditions. The bill authorizes such revenue share to apply to existing projects only if certain conditions are met. (20107247D-S1)

Environmental Justice

SB 406 (Hashmi) (Passed Senate; House Floor) requires state agencies to determine the likely effect of their actions on environmental justice and fenceline communities and to tailor those actions to reduce the potential for adverse impacts on such communities in a manner consistent with the environmental justice policy created by the agency. The bill also creates an interagency work group for the purpose of furthering environmental justice in the Commonwealth. (20108618D-H1)

SB 883 (Locke) (Passed Senate, Reported from HGL) establishes the Virginia Council on Environmental Justice, consisting of 27 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution and provide such communities meaningful involvement in the decision-making process. The bill directs that 21 members of the Council be appointed by the Governor and six be specified Cabinet Secretaries. The bill has an expiration date of July 1, 2023. (20106392D-S1)

Firearms

HB 600 (Hope) (Passed House; SRSS) requires that during the hours of operation of a family day home, all firearms be stored unloaded in a locked container, compartment, or cabinet and that ammunition be stored in a separate locked container, compartment, or cabinet. (20102002D)

SB 14 (Saslaw) (Passed Senate; HPS) prohibits the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of a trigger activator, defined in the bill as a device designed to allow a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of any semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter. A violation is punishable as a Class 6 felony. (20106402D-S1)

SB 71 (Lucas) (Passed Senate; HPS) adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. The provisions of the bill regarding child day centers only apply when a child who attends such child day center is present upon the property. Under current law, the list of such schools only includes public, private, or religious elementary, middle, or high schools. The bill also provides that a child day center may hire an armed security officer to provide security services when certain conditions are met. (20107958D-S1)

SB 173 (Hanger) (Passed Senate, HPS) allows the holder of a valid concealed handgun permit to possess a stun weapon on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school. The bill also allows a stun weapon to be stored in a closed container in a motor vehicle while such vehicle is on school property. (20101379D-E)

SB 263 (Bell) (Passed Senate, Passed House with Substitute) removes the option for concealed handgun permit applicants to demonstrate competence with a handgun by completing an electronic, video, or online course conducted by a state-certified or National Rifle Association-certified firearms instructor. The bill does not affect any in-person means of satisfying the requirement to demonstrate competence with a handgun under current law. The bill has a delayed effective date of January 1, 2021. (20108289D-H1)

SB 436 (Surovell) (Passed Senate; HPS) creates the Virginia Voluntary Do Not Sell Firearms List (the List) that prohibits the possession, transportation, and sale of firearms to any person who voluntarily registers himself to be enrolled into the List. The List shall be maintained and updated by the Department of State Police. The bill makes it a Class 3 misdemeanor for any person enrolled into the List to purchase, possess, or transport a firearm. The bill disqualifies any person enrolled into the List from obtaining a concealed handgun permit and prohibits such person from being employed by a firearms dealer. The bill also makes it a Class 1 misdemeanor for any person who sells, barter, gives, or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving, or furnishing, any firearm to any person he knows is enrolled into the List. The bill has a delayed effective date of July 1, 2021. (20100159D)

SB 543 (Edwards) (Passed Senate; HPS) requires the Department of State Police to perform a criminal history record information check on the prospective purchaser or transferee prior to the completion of any firearms transaction at a firearms show held in the Commonwealth. Current law requires the Department of State Police to be available at every firearms show held in the Commonwealth to perform criminal history record information checks but does not require such checks to be performed unless requested by a party involved in the transaction. (20101849D)

Freedom of Information Act

HB 321 (Levine) (Passed House; SGL) allows a public body to conduct a meeting through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that he is unable to attend due to a serious medical condition of an immediate family member that prevents the member's physical attendance. The bill also limits such participation in an electronic meeting due to a personal matter to either two meetings per calendar year or 10 percent of the meetings held that calendar year, rounded up to the nearest whole number, whichever is greater. (20104275D-E)

Health and Human Services

HB 1209 (Tran) (Passed House; SRSS) establishes the Office of New Americans within the Department of Social Services and the Office of New Americans Advisory Board to assist with immigrant integration within the Commonwealth on an economic, social, and cultural level. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with securing employment, housing, and services for which such persons may be eligible; (iii) information to localities and immigration service organizations about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigration service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. The Advisory Board shall report annually to the Governor and the General Assembly on the activities of the Office of New Americans and provide recommendations for improving state policies and programs to support the economic, linguistic, and civic integration of new Americans throughout the Commonwealth. (20106907D-EH1)

SB 991 (Hashmi) (Passed Senate; House Floor) establishes the Office of New Americans within the Department of Social Services, as well as an advisory board, to assist immigrant integration within the Commonwealth on an economic, social, and cultural level. The provisions of the bill are contingent on funding in a general appropriation act. (20107299D-ES1)

Geriatric and Terminally Ill Prisoners

SB 493 (Bell) (Passed Senate, HCT) provides that any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who is terminally ill or permanently physically disabled is eligible for consideration by the Parole Board for conditional release. The bill also provides that any person serving such sentence (i) who is 65 years of age or older and has served at least five years of the sentence imposed or (ii) who is 60 years of age or older and has

served at least 10 years of the sentence imposed is eligible for consideration by the Parole Board for conditional release without the need to petition the Parole Board. (20102904D-E)

SB 624 (Spruill) (Passed Senate; HCT) allows any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who (i) is 55 years of age or older and has served at least 15 years of the sentence imposed or (ii) is 50 years of age or older and has served at least 20 years of the sentence imposed, to petition the Parole Board for conditional release. (20105021D)

Land Use

HB 505 (Knight) (Passed Both Houses) provides that once the writ of certiorari is served in response to a petition from a party aggrieved by a board of zoning appeals decision, the board of zoning appeals shall have 21 days to respond. (HB505ER)

HB 554 (VanValkenburg) (Passed House; Senate Floor) authorizes a locality to disapprove an application submitted for an administrative review-eligible project or for any zoning approval required for a standard process project that proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, on grounds that an applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area. (20107159D-H1)

SB 24 (Petersen) (Passed Senate, HAG) adds horseback riding to the definition of "agritourism activity." Agritourism activities have limited liability for the inherent risks of the activity under certain conditions. (20100596D-E)

SB 28 (Petersen) (Passed Senate; HCT) eliminates specific provisions for the assessment of costs in eminent domain proceedings where the condemnor is a public service company, public service corporation, railroad, or government utility corporation and provides that all costs shall be assessed in the same manner, regardless of the identity of the condemnor. The bill exempts condemnation actions for easements adjudged at less than \$10,000. The bill also provides that its provisions apply only to condemnation actions filed on or after July 1, 2020. (20100603D-E)

SB 360 (Cosgrove) (Passed Senate, HCCT) provides specific parameters to address the installation of reasonable and necessary sewerage and water facilities located on or outside the property limits of the land owned or controlled by the developer or subdivider that is necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. Such developer or subdivider shall be entitled to reimbursement of its costs, including a new mechanism for connection fee reimbursement, by any subsequent developer or subdivider that utilizes the installed sewerage or water facility, except for those costs associated with the installing developer's pro rata share. The bill provides authority, at the developer's option, for reimbursement for the water and sewer facility in exchange for entitlement to water or sewer

connection or capacity fees otherwise due to the locality imposed upon the developer's lots within its development or subdivision. (20106122D-S1)

Procurement and Contracts

HB 1300 (Hurst) (Passed House; SJUD) provides that an action against the surety on a performance bond shall be brought within five years after the completion of the contract. The bill further provides that the statute of limitations on construction contracts and architectural and engineering contracts is 15 years after completion of the contract. The bill specifies that completion of the contract is the final payment to the contractor pursuant to the terms of the contract, but that if a final certificate of occupancy or written final acceptance of the project is issued prior to final payment, the period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project. The bill incorporates HB 847. (20107490D-H1)

SB 607 (Norment) (Passed Senate; Reported from HCT) provides that an action against the surety on a performance bond shall be brought within five years after the completion of the contract. The bill further provides that the statute of limitations on construction contracts and architectural and engineering contracts is 15 years after completion of the contract. The bill specifies that completion of the contract is the final payment to the contractor pursuant to the terms of the contract, but that if a final certificate of occupancy or written final acceptance of the project is issued prior to final payment, the period to bring an action shall commence no later than 12 months from the date of the certificate of occupancy or written final acceptance of the project. This bill incorporates SB 195. (20105828D-S1)

SB 487 (Bell) (Passed Senate, Reported from HGL) increases the aggregate limit for architectural and engineering services contracts (i) for localities for projects performed in a one-year contract term from \$6 million to \$8 million and (i) for environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways for projects performed in an initial two-year term contract from \$5 million to \$8 million. (20105815D-S1)

Public Safety/Criminal Justice

SB 798 (Morrissey) (Passed Senate; HCT) specifies that a person is guilty of an offense of driving or operating a motor vehicle (i) after his driver's license has been revoked for certain offenses; (ii) in violation of the terms of a restricted license; (iii) without an ignition interlock system if one is required; or (iv) if the person's license had been restricted, suspended, or revoked for certain driving under the influence offenses, with a blood alcohol content of 0.02 percent or more, only if such person was driving or operating the motor vehicle on a highway, as defined in Title 46.2, Motor Vehicles. (20100954D)

SB 1015 (Marsden) (Passed Senate; HCT) provides that a person who possesses marijuana in the form of cannabidiol oil or THC-A oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice shall not be prosecuted for simple possession of marijuana. The bill also provides that no agent or employee of a pharmaceutical processor shall be prosecuted for possession or manufacture of marijuana or for possession, manufacture, or

distribution of cannabidiol oil or THC-A oil, or subject to any civil penalty, denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabidiol oil or THC-A oil or (ii) possessed, manufactured, or distributed such cannabidiol oil or THC-A oil in accordance with law. Current law provides that such possession of marijuana in the form of cannabidiol oil or THC-A oil in such circumstances is an affirmative defense to such charges. (20107741D-S1)

Taxation

HB 1268 (Helmer) (Passed House; SFIN) provides for a referendum at the November 3, 2020, election to approve or reject a personal property tax exemption for a motor vehicle that is owned and used primarily by or for a veteran of the armed forces of the United States or the Virginia National Guard who has a one hundred percent service-connected, permanent, and total disability. (20102109D)

HJ 103 (Helmer) (Agreed to by House; SFIN) provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from state and local taxes. The amendment provides that only automobiles and pickup trucks qualify for the exemption. Additionally, the exemption is only applicable on the date the motor vehicle is acquired or the effective date of the amendment, whichever is later, and is not applicable for any period of time prior to the effective date of the amendment. (20101916D)

Transportation

HB 561 (Brewer) (Passed House; STRAN) requires the Office of Intermodal Planning to include in the results of screening candidate projects in the Six-Year Improvement Program whether such projects are located on a primary evacuation route. (20107098D-H1)

HB 1635 (Lopez) (Passed House; STRAN)/**SB 995** (Surovell) (Passed Senate; House Floor) repeals enactments adopted in 2018 as part of the Washington Metropolitan Area Transit Authority (WMATA) funding bills related to bidders, offers, contractors, and subcontractors to WMATA projects located in the Commonwealth participating with labor organizations. (20105970D, 20105402D)

SB 230 (Petersen) (Passed Senate; HFIN) provides that, for purposes of the grantor's tax and regional transportation improvement fee (the regional WMATA capital fee), the grantor and grantee may arrange that the grantee pay all or a portion of the tax or fee. Current law requires the grantor to pay the tax or fee. (20102139D)

SB 452 (Edwards) (Passed Senate; HAPP) imposes a regional motor vehicle fuels sales tax at a rate of 7.6 cents per gallon and gasoline and 7.7 cents per gallon of diesel fuel in any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The new revenues will be returned to the transportation district in which the revenues are generated via the construction district grant program. The bill also converts the existing regional motor vehicle fuels sales in Northern Virginia, Hampton Roads,

and the Interstate 81 Corridor from tax from a percentage of the distributor price of a gallon of gasoline to this same cents per gallon rate. The rate will be indexed each year beginning July 1, 2021. (20107603D-S1)

SB 1038 (Lucas) (Passed Senate; Reported from HFIN) creates the Hampton Roads Transportation District Regional Transit Program to develop, maintain, and improve a regional network of transit routes and related infrastructure, rolling stock, and support facilities. The program would be funded by an additional (i) regional grantor's tax at a rate of \$0.15 per \$100 of the consideration for the conveyance, and (ii) regional transient occupancy tax at a rate of one percent of the charge for the occupancy, both imposed in localities in the Hampton Roads Transportation District. The moneys would be deposited into the Hampton Roads Regional Transit Fund, created by the bill. (20108698D-H1)

Undergrounding

HB 576 (Keam) (Passed Both Houses) specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure provides that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the costs of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause. Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line overhead. The measure provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed. The measure exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed. The measure adds that the pilot program is created to further understanding of the benefits of undergrounding existing electric transmission lines to promote economic development. (20102639D)

SB 782 (Saslaw) (Passed Senate; House Floor) specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure provides that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the costs of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause. Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line overhead. The measure provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed. The measure exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed. The measure adds that the pilot program is created to further understanding of the benefits of undergrounding existing electric transmission lines to promote economic development. (20102023D)

Virginia Health Benefit Exchange

HB 1428 (Sickles) (Passed House; SFIN) Creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by assessments on health insurers. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange. The measure requires the Department of Taxation to include on the appropriate individual tax return forms a checkoff box or similar mechanism for indicating whether the individual, or spouse in the case of a married taxpayer filing jointly, (i) is an uninsured individual at the time the return is filed and (ii) consents to the Department of Taxation providing the individual's tax information to the Department of Medical Assistance Services for purposes of determining the uninsured individual's or spouse's eligibility for medical assistance. Finally, the measure requires the Secretary of Health and Human Resources to convene a work group that includes representatives from the SCC, the Department of Medical Assistance Services, the Department of Social Services, and the Department of Taxation to develop systems, policies, and practices to leverage state income tax returns to facilitate the enrollment of eligible individuals in insurance affordability programs through the Virginia Health Benefit Exchange established in this measure. The Secretary shall report the work group's recommendations to the Governor and the General Assembly by September 15, 2020. The provisions of the bill expire upon any ruling by the Supreme Court of the United States declaring unconstitutional, or action by the President or Congress that repeals or defunds, the provisions of the Patient Protection and Affordable Care Act in a manner that renders it impossible to perform the duties integral to the Virginia Health Benefit Exchange. (20108492D-S1)

SB 732 (McClellan) (Passed Senate; HAPP) creates the Virginia Health Benefit Exchange, which will be established and operated by a new division within the State Corporation Commission (SCC). The Exchange shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers. The Exchange shall make qualified plans available to qualified individuals and qualified employers by July 1, 2023, unless the SCC postpones this date. The measure authorizes the SCC to review and approve accident and sickness

insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The Exchange will be funded by an assessment on health insurers, which is limited to three percent of total monthly premiums. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The essential health benefits are items and services included in the benchmark health insurance plan, which is the largest plan in the largest product in the Commonwealth's small group market as supplemented in order to provide coverage for the items and services within the statutory essential health benefits categories. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of the Exchange, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The measure repeals a provision enacted in 2013 that prohibits an agent, employee, officer, or agency of the Commonwealth from taking any action to establish a health benefit exchange. The measure requires the Department of Taxation to include on the appropriate individual tax return forms a checkoff box or similar mechanism for indicating whether the individual, or spouse in the case of a married taxpayer filing jointly, (i) is an uninsured individual at the time the return is filed and (ii) consents to the Department of Taxation providing the individual's tax information to the Department of Medical Assistance Services for purposes of determining the uninsured individual's or spouse's eligibility for medical assistance. Finally, the measure requires the Secretary of Health and Human Resources to convene a work group that includes representatives from the SCC, the Department of Medical Assistance Services, the Department of Social Services, and the Department of Taxation to develop systems, policies, and practices to leverage state income tax returns to facilitate the enrollment of eligible individuals in insurance affordability programs through the Virginia Health Benefit Exchange established in this measure. The Secretary shall report the work group's recommendations to the Governor and the General Assembly by September 15, 2020. This bill incorporates SB 226 and SB 598. (20108554D-H1)

Legislation Provided for Information

HB 340 (Price) (Passed House; Reported from SGL) provides a 60-day stay of an unlawful detainer for nonpayment of rent for tenants and a 30-day stay of foreclosure proceedings for homeowners and owners who rent to a tenant a one-family to four-family residential dwelling unit who request a stay and provide written proof, defined in the bill, that they are (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government who was furloughed or was or is otherwise not receiving wages or payments as a result of a closure of the United States government, defined in the bill. The bill requires homeowners and owners 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 a closure of the United States government or 90 days following the end of such closure, whichever is later. (20104151D-E)

HB 1244 (Heretick) (Passed Both Houses) provides that for the purposes of the Virginia Telephone Privacy Act (the Act), "telephone solicitation call" includes any text message sent to any wireless

telephone with a Virginia area code, or to a wireless telephone registered to any natural person who is a resident of the Commonwealth, for the purpose of offering or advertising any property, goods, or services for sale, lease, license, or investment, including offering or advertising an extension of credit or for the purpose of fraudulent activity. The bill prohibits a telephone solicitor from engaging in any conduct that results in the display of false or misleading caller identification information on the called party's telephone. The bill increases the amount of damages and the amount of the civil penalty for violations of the Act from \$500 for each such violation to \$500 for a first violation, \$1,000 for a second violation, and \$5,000 for each subsequent violation and increases to \$5,000 the maximum civil penalty the court may impose for a willful first or second violation. (20105168D-E)

SB 17 (Ebbin) (Passed Both Houses) repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. ___ (June 26, 2015). This bill incorporates SB 39. (20105902D-S1)

SB 62 (Suetterlein) (Passed Senate; House Floor) eliminates the requirement that the race of married parties be included in marriage records, divorce reports, and annulment reports filed with the State Registrar. The bill also removes the requirement that the State Registrar include race data in the compilation and posting of marriage, divorce, and annulment data. This bill incorporates SB 19. (20105900D-S1)

SB 888 (McClellan) (Passed Senate; HRUL) establishes the Commission on School Construction and Modernization for the purpose of providing guidance and resources to local school divisions related to school construction and modernization and making funding recommendations to the General Assembly and the Governor. The bill has a sunset date of July 1, 2026, with a provision that if the Commission does not receive funding in the appropriation act after its first year, it will sunset on July 1 of the following year. (20103055D-E)

SB 987 (Stuart) (Passed Senate; Reported from HAG) prohibits hunting or shooting migratory waterfowl in the public waters of the Commonwealth from a boat, float, raft, or other buoyant craft or device within 150 yards of a residence without the consent of the landowner, except when in active pursuit of a visibly crippled waterfowl that was legally shot by the person. The bill requires a person hunting waterfowl or applying to license a stationary blind in public waters to also have a state and federal duck stamp. (20106967D-S1)

Administration of Government

HB 166 (Knight) (Passed Both Houses) provides that if a locality in Planning District 23 has submitted a timely notice request related to a planning or zoning matter to a newspaper of general circulation and the newspaper fails to publish the notice, such locality shall be deemed to have met public hearing notice requirements so long as notice of the agenda, including the item intended for publication in the newspaper, was published on the locality's website at least three weeks before the hearing. The bill has an expiration date of July 1, 2022. (HB166ER)

HB 406 (Subramanyam) (Communicated to Governor) changes the annual deadline for local submittal of the comparative report of local government revenues and expenditures to the Auditor of Public Accounts from November 30 to December 15 and the annual deadline for the statement of the Auditor of Public Accounts showing in detail the total and per capita revenues and expenditures of all localities for the preceding fiscal year from January 31 to February 15. (HB406ER)

HB 558 (Lindsey) (Passed House; Passed Senate with amendment) allows any locality to enact an ordinance to enhance micro-business participation in local government procurement practices. Such measures may include special designation of local micro-businesses, providing technical support to micro-businesses, setting target goals for micro-business participation in the local procurement process, and other reasonable measures intended to promote micro-business participation in the locality. "Micro-business" is defined as a small, women-owned, or minority-owned business with no more than 25 employees. (20100477D)

SB 292 (Deeds) (Passed Senate; HCCT) authorizes a member of a board of zoning appeals to be appointed to also serve as an officer of election. (20101853D)

SB 465 (Reeves) (Passed Senate; HCCT) expands the scope of permitted in-kind donations by a locality to include the provision of in-kind resources for contract management services for capital projects; assistance in preparing requests for information, bids, or proposals; and budgeting services to any association or other organization furnishing voluntary firefighting services or a nonprofit or volunteer emergency medical services agency. (20102326D)

Courts

HB 100 (Lindsey) (Passed Both Houses) allows the court and counsel for either party in a criminal case to inform any juror or potential juror as to the potential range of punishments to ascertain if the person can sit impartially in the sentencing phase of the case. (20108209D-S1)

HB 305 (Hope) (Passed Both Houses) increases from \$2 to \$5 the fee that the circuit court clerk is required to charge for lodging, indexing, and preserving a will. (HB305ER)

HB 306 (Hope) (Passed Both Houses) increases by \$2 the fees for the recording and indexing of certain documents. The bill further increases from \$1.50 to \$3.50 the portion of the recording and indexing fee collected by circuit court clerks that is designated for use in preserving the permanent records of the circuit courts. (HB306ER)

HB 477 (Guzman) (Senate Substitute Rejected by House) increases from age 14 to age 16 the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding; however, if the juvenile is 14 years of age or older but younger than 16 years of age the court, on motion of the attorney for the Commonwealth, shall hold a transfer hearing. The minimum age is also raised from 14 to 16 for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for the charges that under current law require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report of the juvenile be

prepared by the court services unit or other qualified agency and (ii) the attorney for the Commonwealth provide written notice that he intends to proceed with a preliminary hearing for trial of such juvenile as an adult, including affirmation that he has read the report. This bill incorporates HB 1440. (20108212D-S1)

SB 375 (Edwards) (Passed Senate; HCT) provides that a person claiming immunity from certain claims for making statements at a public hearing or regarding matters of public concern may file a special plea to dismiss the underlying claim. The bill further provides that, upon the filing of such a plea, discovery related to such underlying claim shall be stayed pending the entry of an order adjudicating the plea. (20107641D-S1)

SB 545 (Edwards) (Passed Senate; Reported from HCT) provides that any appeal of right taken from a court not of record in a civil case to a court of record shall serve as an appeal of all claims in the lower court, including any counterclaims, cross-claims, and third-party claims. (20108555D-H1)

SB 546 (Edwards) (Passed Senate; Reported from HCT) increases from 14 years of age to 16 years of age the minimum age at which a juvenile can be tried as an adult in circuit court for a felony. (20108510D-H1)

HB 780 (Roem) (Passed Both Houses) provides that a photocopy, facsimile, or other copy of the original proof of service shall be accepted by the clerk's office as if it were an original proof of service for the purposes of complying with the return of service process to the clerk's office, provided that the submitter provides a statement that any such copy is a true copy of the original. (20100889D-E)

HB 781 (Mullin) (Passed Both Houses) provides that a diagnosis of a nonmalignant asbestos-related injury or disease shall not accrue an action based upon the subsequent diagnosis of a malignant asbestos-related injury or disease, and such subsequent diagnosis shall constitute a separate injury that shall accrue action when such diagnosis is first communicated to the person or his agent by a physician. The bill is intended to reverse *Kiser v. A.W. Chesteron*, 285 Va. 12 (2013). This bill is identical to SB 661. (HB781ER)

HB 873 (Bourne) (Passed House; SJUD) establishes requirements and procedures for discovery by an accused and by the Commonwealth in a criminal case. The bill requires a party requesting discovery to request that the other party voluntarily comply with such request prior to filing any motion before a judge. Upon receiving a negative or unsatisfactory response, or upon the passage of seven days following the receipt of the request without response, the party requesting discovery may file a motion for discovery with the court. The bill details information that is subject to discovery and provides that discovery shall be provided at a reasonable time before trial but that in no case shall it be provided later than (i) 14 days before trial on a misdemeanor in circuit court, (ii) 30 days before trial on a felony or multiple felony counts punishable by confinement in a state correctional facility for an aggregate of 30 years or less, or (iii) 90 days before trial on a felony or multiple felony counts punishable by confinement in a state correctional facility for an aggregate of more than 30 years. The bill also provides a mechanism for redaction of certain personal identifying information and creates a procedure for either party to move the court to enter a

protection order with regard to discovery. Finally, the bill grants the court the ability to impose various remedies it deems just if a party fails to comply with any of the requirements. This bill incorporates HB 1153. (20107766D-H1)

HB 974 (Herring) (Passed House; Reported from SJUD) provides that a person who was convicted of a felony or who was adjudicated delinquent by a circuit court of an offense that would be a felony if committed by an adult may petition for a writ of actual innocence based on biological evidence or nonbiological evidence regardless of the type of plea he entered at trial. Under current law, such person may petition for a writ based on biological evidence if he entered a plea of not guilty, and any person, regardless of the type of plea he entered at trial, may petition for such writ if he is sentenced to death or convicted or adjudicated delinquent of murder or a felony for which the maximum punishment is imprisonment for life. The bill also (i) allows a writ of actual innocence based on nonbiological evidence to be granted if scientific testing of previously untested evidence, regardless of whether such evidence was available or known at the time of conviction, proves that no trier of fact would have found proof of guilt of the person petitioning for the writ, provided that the testing procedure was not available at the time of conviction, and (ii) eliminates the provision that limits a petitioner to only one writ of actual innocence based on nonbiological evidence for any conviction. The bill provides that the petitioner must prove the allegations supporting either type of writ of actual innocence by a preponderance of the evidence. Currently, the petitioner must prove such allegations by clear and convincing evidence. Finally, the bill clarifies that the Attorney General may join a petition for a writ of actual innocence filed in connection with an adjudication of delinquency. (20104714D)

SB 511 (Edwards) (Passed Senate; HAPP) provides that a person who was convicted of a felony or who was adjudicated delinquent by a circuit court of an offense that would be a felony if committed by an adult may petition for a writ of actual innocence based on biological evidence or nonbiological evidence regardless of the type of plea he entered at trial. Under current law, such person may petition for a writ based on biological evidence if he entered a plea of not guilty, and any person, regardless of the type of plea he entered at trial, may petition for such writ if he is sentenced to death or convicted or adjudicated delinquent of murder or a felony for which the maximum punishment is imprisonment for life. The bill also (i) allows a writ of actual innocence based on nonbiological evidence to be granted if scientific testing of previously untested evidence, regardless of whether such evidence was available or known at the time of conviction, proves that no trier of fact would have found proof of guilt of the person petitioning for the writ, provided that the testing procedure was not available at the time of conviction, and (ii) eliminates the provision that limits a petitioner to only one writ of actual innocence based on nonbiological evidence for any conviction. The bill provides that the petitioner must prove the allegations supporting either type of writ of actual innocence by a preponderance of the evidence. Currently, the petitioner must prove such allegations by clear and convincing evidence. Finally, the bill clarifies that the Attorney General may join a petition for a writ of actual innocence filed in connection with an adjudication of delinquency. The provisions of the bill are contingent on funding in a general appropriation act. (20104713D-E)

HB 995 (Lindsey) (Passed Both Houses)/**SB 788** (McClellan) (Passed Senate; Reported from HCT) increases from \$500 to \$1,000 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the

threshold by the same amount for the classification of certain property crimes. This bill incorporates HB 263. (HB995ER, 20103374D)

SB 133 (Stuart) (Passed Senate; HCT) allows a court to defer and dismiss a criminal case where the defendant has been diagnosed with autism or an intellectual disability. (20101156D)

SB 811 (Morrissey) (Passed Senate; HCT) provides 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. (20107869D-S1)

Elections

HB 43 (Cole, M.) (Passed House; SPE) provides that any voter who is assigned to a precinct that is split between two or more election districts and who believes he was given a ballot for the district of which he is not a qualified voter may request, prior to casting the ballot, and shall be permitted to cast a provisional ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered. The bill requires the ballots to be sealed in envelopes labeled with the corresponding district number and then sealed in the green envelope provided for all provisional ballots. At the meeting to determine the validity of all provisional ballots offered in the election, the electoral board shall verify in which district the voter is qualified and count that ballot. (20100823D)

HB 108 (Lindsey) (Passed House; SRUL) designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday. (20101370D)

HB 177 (Levine) (Passed House; SPE) enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the Constitution of the United States gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the compact, Virginia agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring within six months of the end of a President's term shall not become effective until a President or Vice President has qualified to serve the next term. This bill incorporates HB 199. (20107262D-H1)

HB 179 (Levine) (Passed House; Senate Floor) requires recount officials to segregate all ballots for which there is a question regarding the ballot's validity prior to the conclusion of the recount of each precinct. The bill provides that the recount court may not consider the validity of any ballots not set aside prior to the conclusion of the recount of each precinct. (20101013D)

HB 196 (Gooditis) (Passed House; Senate Floor) prohibits discrimination in employment against electoral board members and assistant general registrars on the basis of service on election day or at a meeting of the electoral board following the election to ascertain the results of the election. Current law prohibits such employment discrimination only on the basis of election day service

and only against officers of election. A violation of the bill's provisions is a Class 3 misdemeanor. (20100919D)

HB 202 (Tran) (Passed House; Senate Floor) requires the additional training for officers of elections occurring after a change in an election law or regulation to take place not less than three days prior to the first election occurring in the locality after the law or regulation has taken effect. Under current law, such training is required to take place not later than three days prior to the November general election following the enactment of the law or regulation. (20103596D-E)

HB 213 (Sullivan) (Passed House; Senate Floor) adds to the list of acceptable forms of voter identification a valid student photo identification card issued by any institution of higher education located in any other state or territory of the United States. Current law allows students from any institution of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (20101656D)

HB 241 (Sickles) (Passed House; SPE) removes the requirement that a person who is in fear for his personal safety from another person who has threatened or stalked him must provide evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person in order to be granted protected voter status. The bill does not eliminate the requirement that he submit a signed written statement that he is in fear for his personal safety for him to be granted protected voter status. (20101468D)

HB 540 (Carr) (Passed House; SFIN) directs the Department of Elections to employ a Director of Operations, who will be responsible for managing the day-to-day operations at the Department and ensuring (i) fulfillment of the Department's mission and responsibilities; (ii) compliance with state and federal election laws and regulations; and (iii) compliance with the Department's business, administrative, and financial policies. The bill provides that the Director of Operations position is a full-time classified position subject to the Virginia Personnel Act. This bill is a recommendation of the Joint Legislative Audit and Review Commission. (20102246D)

HB 1103 (Hudson) (Passed House; SFIN) provides that elections for local governing bodies may be conducted by ranked choice voting, which the bill defines as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds in each of which either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill allows any local governing body to decide to conduct such election by ranked choice voting and requires any such decision to be made in consultation with the local electoral board and general registrar and by a majority vote of the governing body. The bill authorizes the State Board of Elections to promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting. The bill provides that any costs incurred by the Department of Elections related to technological changes necessary for the implementation of ranked choice voting pursuant to the bill shall be charged to the localities exercising the option to proceed with ranked choice voting. The bill has a delayed effective date of July 1, 2021, and sunsets on July 1, 2031. (20101509D)

HB 1285 (Wilt) (Passed House; Senate Floor) provides that if a member of a local electoral board ceases to be a qualified voter of the county or city for which he was appointed, his office is vacated and such vacancy is to be filled as provided by law. The bill clarifies that a person must be a qualified voter of the county or city in order to be eligible to serve as an electoral board member of that county or city. (20100224D-E)

HB 1362 (Aird) (Passed House; SFIN) provides for a certification program to be conducted by the State Board of Elections for the general registrars. The bill requires each general registrar to complete the certification program and receive his certification within the 12 months following initial appointment or any subsequent reappointment; failure to do so shall result in removal from office. The State Board is authorized to grant a waiver requested by a local electoral board to extend, on a case-by-case basis, the 12-month deadline. The State Board is required to develop a training curriculum for the certification program and standards for completing the program and maintaining certification, including required hours of annual training. No fees shall be charged to a general registrar for any required training as part of the certification program. (20102712D-E)

HB 1402 (Ward) (Passed House; Senate Floor) removes the requirement that the officer of election audibly repeat the residence address of a voter offering to vote. The bill provides that the officer of the election is required to verify with the voter his full name and address and to audibly repeat the voter's full name. (20102067D-E)

SB 469 (Reeves) (Passed Senate; HPE) provides that the name of any person who does not file his written statement of qualification or statement of economic interests by the relevant deadline, or by the end of an extension period if an extension of the deadline has been granted by the State Board, shall not be printed on the primary election ballot. (20102330D)

SB 737 (Obenshain) (Passed Senate; HPE) provides that if a member of a local electoral board ceases to be a qualified voter of the county or city for which he was appointed, his office is vacated and such vacancy is to be filled as provided by law. (20103945D)

Absentee Voting

HB 207 (VanValkenburg) (Passed House; 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. The bill also provides for a special application by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote. A voter on the permanent absentee voter list remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, an absentee ballot sent to the voter is returned as undeliverable, or the voter moves to a different address not in the same county or city of his registration. The provisions of the bill providing for a permanent absentee voter list do not become effective until July 1, 2021. (20102060D-E)

HB 238 (Sickles) (Passed House; Senate Floor) provides that any absentee ballot that is returned to the general registrar after the closing of the polls on election day but before noon on the third

day after the election and postmarked on or before the date of the election shall be counted if the voter is found entitled to vote. The bill contains technical amendments. (20101272D)

HB 239 (Sickles) (Passed House; Senate Floor) extends the deadline for a voter to apply for an absentee ballot that is to be cast by mail from the seventh day prior to the election to the eleventh day prior to the election. The bill also adjusts the deadline for applications for multiple elections for uniformed and overseas voters and for emergency applications and absentee ballots for persons incapacitated or hospitalized. (20101270D)

HB 240 (Sickles) (Passed House; Senate Floor) provides that any person who is eligible for an absentee ballot pursuant to law and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in that calendar year. This application requires a statement signed by the voter that he is eligible for an absentee ballot pursuant to law and is likely to remain so eligible for the remainder of the calendar year. Under current law, such a special annual application is available to persons who are eligible to vote absentee due to a disability or illness and are likely to remain eligible to vote absentee due to such disability or illness. (20101466D)

HB 242 (Sickles) (Passed House; Senate Floor) provides a process by which a qualified voter is permitted to vote by absentee ballot when an emergency either prevented him from applying for an absentee ballot by the deadline or will prevent him from voting in person on election day. The bill also provides for the Commissioner of Elections to take administrative action to facilitate absentee voting by those persons providing emergency or other services in an area in which a state of emergency has been declared. The bill contains technical amendments that consolidate current Code sections regarding emergency absentee voting. (20102154D)

HB 872 (Bourne) (Passed House; SPE) adds to the list of exceptions to the requirement that first-time voters who registered to vote by mail must vote in person those voters who are entitled under current law to vote by absentee ballot because they are confined while awaiting trial or for having been convicted of a misdemeanor. The bill incorporates HB 185. (20107265D-H1)

SB 859 (Ebbin) (Passed Senate; HPE) amends the definition of hospital, for purposes of emergency absentee voting by or late absentee ballot applications for persons who have been hospitalized, so that it is not limited to hospitals in Virginia, the District of Columbia, or a state contiguous to Virginia. The bill also removes the requirement that a person submitting a late absentee ballot application due to the hospitalization of himself or a member of his immediate family or to the death of a member of his immediate family must be absent from his county or city on election day in order to be eligible for the late absentee ballot application. (20103568D)

Redistricting

HB 105 (Lindsey) (Passed House; SRUL) removes the requirement that the Division of Legislative Services prepare written descriptions of the boundaries of congressional and state legislative districts. The bill does not affect provisions under current law that district boundaries are legally defined by the county and city boundaries reported in the decennial Census reports and by

reference to precincts, parts of precincts, and census blocks listed in the Statistical Reports for each district. (20102534D)

HB 758 (VanValkenburg) (Passed House; SPE) establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records. The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, racial and ethnic fairness, communities of interest, contiguity, and compactness. The bill prohibits a map of districts from unduly favoring or disfavoring any political party when considered on a statewide basis. The bill provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. Provisions to ensure public participation in the redistricting process are included. If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact rules and procedures for doing so. The rules and procedures enacted by the Court are required to allow public participation in the Court's redistricting deliberations, to provide for the Division of Legislative Services to provide staff support and technical assistance to the Court, and to ensure districts established by the Court adhere to constitutional and statutory criteria. The bill directs the Court to appoint two special masters to assist in the establishment of districts, from lists submitted by the legislative leaders of the majority and minority political parties. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election. (20106862D-H1)

HB 784 (VanValkenburg) (Passed House; SPE) provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020. (20100576D)

HB 1255 (Price) (Passed House; SPE) provides criteria by which congressional and state legislative districts are to be drawn. Such criteria include equal population requirements, with a deviation of no more than five percent permitted for state legislative districts; compliance with laws and judicial decisions relating to racial and ethnic fairness; preservation of communities of interest, which are defined to mean a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests; and compactness and contiguity. The bill also includes provisions of the Voting Rights Act of 1965, as amended, related to redistricting, prohibiting the drawing of districts in ways that improperly dilute minority populations' voting power. Maps of districts, when considered on a statewide basis, are prohibited from unduly favoring or disfavoring any political party. The bill further provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. (20107097D-H1)

HB 1256 (Price) (Passed House; SPE) establishes the Virginia Redistricting Advisory Commission (the Commission), a statutory legislative commission tasked with proposing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly that adhere to certain constitutional and statutory criteria and that will be submitted for consideration and adoption by the General Assembly. The Commission will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records. The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by

which the districts are to be drawn, including equal population, racial and ethnic fairness, communities of interest, contiguity, and compactness. The bill prohibits a map of districts from unduly favoring or disfavoring any political party when considered on a statewide basis. The bill provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. Provisions to ensure public participation in the redistricting process are included, including requirements that meetings are video recorded and transcribed and the archived videos and transcripts be made available on the Commission's website. The bill also requires a series of public hearings to be conducted prior receipt of Census data and at least public hearings to be held prior to voting to submit any plan to the General Assembly. The General Assembly may reject initial plans developed by the Commission and provide information to the Commission regarding the reasons for rejecting such plans. The General Assembly is limited in its ability to amend plans until multiple plans have been submitted and rejected. (20107764D-H1)

SB 203 (Lucas) (Passed Senate; HPE) establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records. The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, racial and ethnic fairness, communities of interest, contiguity, and compactness. The bill prohibits a map of districts from unduly favoring or disfavoring any political party when considered on a statewide basis. The bill provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the

Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. Provisions to ensure public participation in the redistricting process are included. If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact rules and procedures for doing so. The rules and procedures enacted by the Court are required to allow public participation in the Court's redistricting deliberations, to provide for the Division of Legislative Services to provide staff support and technical assistance to the Court, and to ensure districts established by the Court adhere to constitutional and statutory criteria. The bill directs the Court to appoint two special masters to assist in the establishment of districts, from lists submitted by the legislative leaders of the majority and minority political parties. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election. (20107237D-S1)

SB 236 (Barker) (Passed Senate; HPE) provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020. This bill incorporates SB 358 and SB 974. (20107754D-S1)

SB 717 (McClellan) (Passed Senate; HPE) provides criteria by which congressional and state legislative districts are to be drawn. Such criteria include equal population requirements, with a deviation of no more than five percent permitted for state legislative districts; compliance with laws and judicial decisions relating to racial and ethnic fairness; preservation of communities of interest, which are defined to mean a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests; and compactness and contiguity. The bill also includes provisions of the Voting Rights Act of 1965, as amended, related to redistricting, prohibiting the drawing of districts in ways that improperly dilute minority populations' voting power. Maps of districts, when considered on a statewide basis, are prohibited from unduly favoring or disfavoring any political party. The bill further provides for the preparation and use of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. Persons incarcerated in such a facility whose address at the time of incarceration was in the Commonwealth are to be counted at that address and persons incarcerated in such a facility whose address at the time of incarceration was outside of the Commonwealth or cannot be determined are to be counted at the facility. (20107234D-S1)

SJ 18 (Barker) (Agreed to by Senate; HPE) establishes the Virginia Redistricting Commission, a 16-member Commission tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly. The Commission consists of eight legislative members and eight citizen members. The legislative members consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen members are selected by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists

submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The Commission is required to submit to the General Assembly plans of districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and plans of districts for the United States House of Representatives no later than 60 days following the receipt of census data, or July 1 of that year, whichever occurs later. The measure requires certain vote thresholds for plans, depending on the type of district, in order to be submitted to the General Assembly. No amendments may be made to a plan by the General Assembly, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail. This resolution incorporates SJ 12 and SJ 70. (20107759D-S1)

State Board of Elections

HB 236 (Sickles) (Passed House; Senate Floor) increases the membership of the State Board of Elections from three members to five members. Representation is given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill provides that a Commissioner of Elections, who acts as the principal administrative officer of the Department of Elections, shall be appointed by the Governor. Persons engaging in certain partisan activities, persons related to persons engaging in certain partisan activities, and persons related to members of the State Board are prohibited from serving as the Commissioner of Elections. (20100375D-E)

HB 539 (Carr) (Passed House; Senate Floor) requires that the State Board of Elections' supervision of the work of the local electoral boards and general registrars ensure that major risks to election integrity are identified and assessed and addressed as necessary to promote election uniformity, legality, and purity. This bill is a recommendation of the Joint Legislative Audit and Review Commission. (20102244D-E)

SB 856 (Ebbin) (Passed Senate; HPE) increases the membership of the State Board of Elections from three members to five members. Representation is given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill provides that a Commissioner of Elections, who acts as the principal administrative officer of the Department of Elections, shall be appointed by the Governor. Persons engaging in certain partisan activities, persons related to persons engaging in certain partisan activities, and persons related to members of the State Board are prohibited from serving as the Commissioner of Elections. (20103597D-E)

Voter Registration

HB 235 (Cole, J.) (Passed House; Senate Floor) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card if the person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. (20106926D-H1)

SB 219 (Marsden) (Passed Senate; HPE) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card if the person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. The provisions of the bill are contingent on funding in a general appropriation act. This bill incorporates SB 278. (20106190D-S2)

Environment and Energy

HB 520 (Bulova) (Passed House; Senate Floor) directs the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP). The bill provides that the stakeholder group shall be composed of development and construction industry representatives, environmental technical experts, local government

representatives, and others and that technical assistance shall be provided to DEQ by the Department of Forestry and the Department of Conservation and Recreation. The bill directs DEQ to report the findings of the stakeholder group by November 1, 2020, and to include a recommendation as to whether the planting or preservation of trees shall be deemed a creditable land cover type or BMP and, if so, how much credit shall be given for its optional use. (20106166D-H1)

HB 573 (Keam) (Passed House; SCL) requires each incumbent electric utility to select for dedication to its community solar development pilot program one or more eligible generating facilities that are located within a low-income community as a condition for the utility's selection for dedication to its program any eligible generating facility that is located outside a low-income community. The bill requires the costs of the selected facilities in low-income communities to equal or exceed the costs of the eligible generating facility that is located outside a low-income community. These requirements apply to facilities selected on or after July 1, 2020. The bill defines a low-income community as a census tract that is designated in 2019 or thereafter as a qualified census tract for purposes of the Low-Income Housing Tax Credit. Such census tracts are required to have 50 percent of households with incomes below 60 percent of the area median gross income or have a poverty rate of 25 percent or more. (20100585D)

HB 656 (Heretick) (Passed House; Passed Senate with Amendments) authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects. The bill contains an enactment clause that applies such generally accepted national standards to any such projects in the Commonwealth, notwithstanding any other provision of law, general or special. (20107292D-H1)

SB 875 (Marsden) (Passed Senate; HCCT) authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects. (20107535D-S1)

HB 882 (Bulova) (Passed House; Senate Floor) directs the State Water Control Board to adopt regulations providing for the use of a proprietary best management practice only if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. (20108441D-S1)

HB 1136 (Lopez) (Passed House; SACNR) directs the Department of Environmental Quality to compile and maintain a Hazardous Waste Site Inventory, consisting of a list of sites permitted by or in corrective action under the Department at which the disposal of hazardous waste has occurred. The bill requires the Inventory to be published by July 1, 2021, and updated annually. (20107120D-H1)

HB 1310 (Webert) (Passed House; SACNR) requires the Department of Environmental Quality to establish a process whereby any person that receives coverage under the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities and that will be transporting fill from a project site for disposal shall disclose certain

information about the disposal to the Department. The bill provides that the Department shall disclose such information to every locality where such fill will be disposed of. (20107731D-H1)

HB 1329 (Kory) (Passed House; SACNR) directs localities in Tidewater Virginia to incorporate certain penalties into their ordinances protecting the quality of state waters in Chesapeake Bay Preservation Areas. (20106882D-H1)

HB 1352 (Gooditis) (Passed House; Senate Floor) prohibits the disposal of solid waste in an unpermitted facility and provides that the presence of unpermitted solid waste on a person's property is prima facie evidence that the person allowed solid waste to be disposed of on his property without a permit. The bill adds open dumps to the types of site that the Department of Environmental Quality is authorized to require to be cleaned up and provides that the party responsible for such cleanup shall include any party who caused the site to become an open dump or caused the improper management of waste at the site. The bill includes technical amendments. (20102922D)

HB 1609 (Mugler) (Passed House; SACNR) provides that when a publicly owned wastewater treatment works conducts land-disturbing activities in order to construct or expand a facility, it may comply with the water quality requirements associated with such land-disturbing activities by generating and using point source nutrient credits, point source phosphorus credits, and sediment credits through the operation of its existing treatment facilities. The bill requires the treatment works to notify the Department of Environmental Quality of its plan, to adopt a ratio of 10 point source nitrogen credits for each point source phosphorus credit used, and to classify the credits as permanent using a means acceptable to the Department. The bill limits to 10 pounds per year the application of point source phosphorus credits to a single project other than a water reclamation and reuse project. (20107579D-H1)

HJ 47 (Sickles) (Agreed to by House; SRUL) directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. (20104996D)

SB 320 (Lewis) (Passed Senate) continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent flooding. Moneys from the Fund may be used to mitigate future flood damage, with priority given to projects that implement community-scale mitigation activities or use nature-based solutions. Any locality using moneys from the Fund to provide loans may also forgive the principal of such loans, with the total amount

of loans forgiven by all localities not to exceed 30 percent of the total amount appropriated to the Fund in that fiscal year. (20108073D-S2)

SB 769 (Reeves) (Passed Senate; HAG) directs the Department of Environmental Quality (DEQ) to give deference to findings of fact by a presiding officer based on the evidence presented in any formal proceeding where the parties are operating under a consent decree. The bill directs a court to give deference to a factual recommendation by a hearing officer, and creates a rebuttable presumption with respect to such facts. The bill requires that the Director give the factual and legal basis for the decision to revoke or amend a solid waste management permit. The bill also directs a court, hearing any decision on review for a formal proceeding initiated prior to July 1, 2020, in which DEQ rejected a recommendation from a hearing officer or presiding officer and for which a final adjudication has not been rendered, to remand the proceeding to establish the findings of fact by a presiding officer explicitly based on the evidence presented at the hearing and to establish the factual and legal basis for the decision prior to rendering such final adjudication. (20107726D-S1)

SB 1061 (Petersen) (Continued to 2021 in SGL) removes an exclusion for residential dwellings with fewer than five dwelling units and condominium projects from certain requirements related to a voluntary special assessment lien that secures a loan for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements. (20100602D)

Firearms

SB 248 (Favola) (Passed Senate; HAPP) establishes the Virginia Violence Intervention and Prevention Fund to be administered by the Department of Criminal Justice Services for the purpose of supporting violence intervention and prevention programs, including street outreach, hospital-based violence intervention, and group violence intervention programs. The provisions of the bill are contingent on funding in a general appropriation act. (20106494D-ES1)

SB 268 (Bell) (Passed Both Houses) establishes an exemption from retail sales tax for a gun safe with a selling price of \$1,000 or less. The bill defines a gun safe as a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of ammunition for use in a firearm. Under the bill, a gun safe does not include a glass-faced cabinet. The bill sunsets on July 1, 2025. (20108161D-H1)

Health and Human Services

HB 586 (Guzman) (Passed House; SFIN) directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrate (PFBA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS), as deemed necessary, in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS, as deemed necessary, for inclusion in regulations of the Board of Health applicable to waterworks. (20106820D-H1)

HB 687 (Aird) (Passed House; SFIN) provides that no person shall use or assume the title "state certified doula," as defined in the bill, unless such person is a community-based doula who has received training and education as a doula from an entity approved by a body approved by the Board of Health for such purpose and been certified as a doula by a body approved by the Board of Health for such purpose and that no entity shall hold itself out as providing training and education necessary to meet the requirements for certification as a doula unless its curriculum and training program has been approved by a body approved by the Board of Health for such purpose. The bill also directs the Board of Health to adopt regulations setting forth the requirements for (i) use of the title "state certified doula" and (ii) training and education necessary to satisfy the requirements for certification by the Department of Health as a state-certified doula. (20106550D-H1)

HB 728 (Hope) (Passed House; Reported from SEH) directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group to report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. (20103288D-E)

HB 826 (Carroll Foy) (Passed House; SEH) directs the Department of Medical Assistance Services to convene a work group to (i) evaluate the potential costs and benefits, including potential reductions in maternal and infant mortality rates, of amending the state plan for medical assistance services to include a provision for the payment of medical assistance for antepartum, intrapartum, or postpartum services provided to a pregnant person or to a person who is up to one year postpartum for labor and delivery support by a certified doula and at least four visits during the antenatal period and at least seven visits during the postpartum period with a certified doula and (ii) develop recommendations related to an appropriate reimbursement rate for such services provided by certified doulas. The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by December 1, 2020. (20107706D-H1)

HB 887 (Filler-Corn) (Passed House; SFIN) provides that the beneficiary of an ABLE savings trust account may appoint a survivor. In the event of the beneficiary's death, the survivor becomes the new beneficiary of the account if he is eligible under federal law to be a beneficiary of an ABLE savings trust account. The bill provides that if the survivor is ineligible, then any proceeds remaining in the account are distributed to the survivor and the account is closed. Under current law, if the beneficiary of an ABLE savings trust account dies, his state of residence becomes a creditor of the account and may seek payment under federal law for Medicaid benefits provided to the beneficiary while he was alive. The bill prohibits the Commonwealth from seeking estate recovery or payment from the proceeds of the deceased beneficiary's account for benefits provided to him. (20102066D)

HB 1570 (VanValkenburg) (Passed House; Reported from SJUD) provides an exception to the law prohibiting possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 21 years of age when such possession is part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in

cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee. (20104330D)

HB 1719 (McQuinn) (Passed House; SRUL) directs the Commissioner of Social Services to establish a work group to develop a plan for the licensure of prescribed pediatric extended care centers in the Commonwealth. The work group shall report the plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2020. (20105454D-E)

SB 482 (Favola) (Passed Senate; HHWI) creates the Developmental Disabilities Mortality Review Committee to review the death of any person with a developmental disability who was receiving services from a provider licensed by the Department of Behavioral Health and Developmental Disabilities or in a training center or other state facility at the time of his death to ensure that the deaths of such persons are reviewed and analyzed in a systematic way. (20104862D)

SB 501 (Reeves) (Passed Senate; HHWI) allows home studies for purposes of adoption or foster care placements to be conducted by any person who has completed the home study training program established by regulations of the Board of Social Services. Under current law, such home studies must be conducted by a local board of social services or licensed child-placing agency. (20103296D-E)

SB 656 (Boysko) (Passed Senate; HAPP) provides that a health care provider who has provided services within the last year to a person committed to a local or regional correctional facility shall disclose to such correctional facility any information and records necessary to ensure continuity of care. The bill provides immunity from civil liability for such disclosures absent bad faith or malicious intent. This bill incorporates SB 748. (20108229D-H1)

SB 675 (Mason) (Passed Senate; House Floor) repeals the sunset and contingency expiration of the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure due to its operation by a religious institution, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. (20102501D)

SB 715 (McClellan) (Passed Senate; HHWI) requires the Board of Social Services to provide monthly payments for menstrual supplies in the amount of \$10 to each female who is at least 10 years of age but not older than 55 years of age and is considered part of the Temporary Assistance for Needy Families (TANF) public assistance unit. The bill also allows such payments to be made

to females who are younger than 10 years of age or older than 55 years of age upon written certification by a licensed physician that the female has a need for menstrual supplies. The provisions of the bill are contingent on funding in a general appropriation act. (20104304D-E)

SB 937 (Surovell) (Passed Senate; HAPP) directs the Virginia Community College System (VCCS) to establish and administer a two-year Temporary Assistance for Needy Families (TANF) Scholarship Pilot Program, beginning in 2020, for the purpose of providing access to postsecondary educational opportunities to students living in poverty. The Program would provide scholarships to select comprehensive community colleges in the maximum amount of \$4,000 per year to 200 selected students who meet TANF eligibility requirements. The Program would be funded by the unexpended balance in federal TANF block grant funds. The bill directs VCCS to report to the Governor and the General Assembly no later than December 1 of each year of the Program regarding the effectiveness of and other information about the Program. The provisions of the bill are contingent on funding in a general appropriation act. (20105208D-E)

SB 1034 (Chafin) (Passed Senate; HRUL) directs the Department of Education to review and revise the Guidelines for Conducting Functional Behavioral Assessment and Developing Positive Behavior Intervention Supports and Strategies to align with research-based behavior science and best practices for functional behavior analysis. The bill also requires the Department to review and revise the content of the in-depth training provided to local school divisions on conducting functional behavioral analysis and developing quality behavior intervention plans. (20104702D)

SB 1072 (Mason) (Passed Senate; HCT) prohibits the court from appointing as guardian or conservator for an incapacitated person (i) the attorney for the petitioner or an attorney or employee of the same law firm as the attorney for the petitioner or (ii) except for good cause shown, any attorney, or attorney associated with or employee of the same law firm, who has represented the petitioner in any other matter within the three calendar years preceding the appointment. The bill permits the court to order the costs for the guardian or conservator to be paid by the petitioner. (20107702D-S1)

Land Use

HB 1655 (Orrock) (Passed House; Passed Senate with Amendment) provides that, in any instance in which a parcel of real estate is (i) located within an undeveloped common area in a subdivision, (ii) located in a subdivision with a homeowners' association that has been previously dissolved, and (iii) tax delinquent, a locality may choose to offer for sale such tax delinquent property in whole or in part to adjacent property owners prior to any public auction of the tax delinquent property. The locality may waive any liens associated with the property in order to facilitate the sale and may further waive payment of any past taxes, penalties, and interest with regard to any new owner. (20104419D)

HB 1688 (McQuinn) (Passed House; SLG) exempts land used for the interment of human remains owned by an individual, family, property owners' association, or church from a local ordinance requiring certain owners of property to cut the grass, weeds, and other foreign growth on such property. (20107083D-EH1)

SB 647 (Boysko) (Passed Senate; HCCT) provides for the transition of certain existing development approvals when a subject property shifts from one jurisdiction to another due to annexation, boundary adjustment, or other cause. The bill contains a grandfather clause for certain existing provisions. (20103043D)

SB 673 (Mason) (Passed Senate; Reported from HAG) prohibits any person from constructing a well in a ground water management area for nonagricultural irrigation purposes except in the surficial aquifer. The bill authorizes the State Water Control Board (the Board) to adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. The bill directs the Board to promulgate regulations establishing criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use and requires that such regulations specify the information required to be submitted to the Department of Environmental Quality (the Department) by a golf course or any other person seeking a determination from the Department that either the quantity or quality of the ground water in a surficial aquifer is not adequate to meet a proposed beneficial use. The bill requires such regulations require the Department, within 30 days of receipt of a complete request, to make a determination as to the adequacy of the quantity or quality of the ground water in a surficial aquifer. (20105741D-S1)

SB 674 (Mason) (Passed Senate; Reported from HAG) authorizes the Secretary of Natural Resources, the Secretary of Agriculture and Forestry, or any agency within those secretariats, or the Virginia Outdoors Foundation to enter into an agreement, with certain minimum provisions, with the owner or operator of construction projects to accomplish forest mitigation, as defined in the bill. The bill provides that no such agreement shall (i) include any waiver of liability for environmental damage caused by the construction project or (ii) guarantee regulatory approval for a construction project by any state agency. (20106282D-S1)

Political Campaigns

HB 214 (Sullivan) (Passed House; SPE) removes the requirement that a person circulating a petition of qualified voters be a legal resident of the Commonwealth. The bill requires a nonresident petition circulator to sign a statement on the affidavit accompanying the petition that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required by law. (20100434D)

HB 1062 (Adams) (Passed House; SPE) adds text messages to the definition of campaign telephone calls. The bill also defines "telephone call" as any single telephone call or text message, electronic or otherwise, that when combined with other telephone calls constitutes campaign telephone calls. (20101982D)

HB 1116 (Hudson) (Passed House; SPE) directs the state political party chairmen, or their designees, to notify the Department of Elections of the party's adoption of a primary election for any office. The bill also directs state political party chairmen, or their designees, to certify to the

Department of Elections the names of any candidate who has been nominated by the party through a nomination method other than a primary. Currently, these notification and certification responsibilities are shared by the state, district, and political subdivision party committee chairmen for their respective offices. The bill also provides that if a state party chairman, or his designee, fails to certify the name of a candidate for an office, the Department of Elections shall declare that there is no candidate nominated by the party for that office. The bill contains technical amendments that reflect the current administrative responsibilities of the Department of Elections. (20102715D)

Campaign Advertisements

HB 849 (Simon) (Passed House; Senate Floor) subjects any message that is placed or promoted for a fee on an online platform to the same disclosure requirements to which print media, television, and radio advertisements are subject. The bill defines "online platform" as any public-facing website, web application, or digital application, including a social network, ad network, or search engine, that sells advertisements. The bill expands the definition of "print media" to include any non-video or non-audio message placed or promoted for a fee on an online platform, subjects advertisements in video format that are placed or promoted for a fee on an online platform to the same disclosure requirements to which television advertisements are subject, and subjects advertisements in audio format that are placed or promoted for a fee on an online platform to the same disclosure requirements to which radio advertisements are subject. (20108333D-S1)

HB 1238 (Wilt) (Passed House; Senate Floor) changes the requirement that print media disclosures be displayed in a minimum font size of seven point to a requirement that such disclosures be displayed in a font size proportionate to the size of the advertisement. The bill tasks the State Board of Elections with creating standards for meeting the requirement that disclosure statements be displayed in a conspicuous manner in a size proportionate to the size of the advertisement and requires such standards to be promulgated no later than July 1, 2021, with enforcement delayed until January 1, 2024. The provisions of the bill affecting regulants also have a delayed effective date of January 1, 2024. Print media advertisements paid for or distributed prior to July 1, 2024, will not be subject to the State Board of Elections regulations promulgated pursuant to the bill. (20102971D-E)

HB 1556 (Watts) (Passed House; Senate Floor) requires that when a disclosure statement for any political campaign advertisement includes the candidate's name for the purpose of meeting the disclosure requirement, the name must be the same as it appears on the ballot. When a disclosure statement includes the name of a campaign committee, the name must be the same as it appears on the statement of organization. The bill also requires candidates, when filing a statement of qualification, to state how he would like his name to appear on the ballot; currently, this is optional. The bill has a delayed effective date of January 1, 2021, and further provides that any print media advertisement paid for or distributed prior to the effective date of the bill shall not be subject to the requirements of the bill. (20108245D-S1)

Campaign Finance

HB 88 (Carter) (Passed House; Senate Floor) requires any person who is named as the candidate on the statement of organization for more than one campaign committee to file reports for all such committees on the same schedule as any such committee. (20101119D)

HB 1061 (Adams) (Passed House; Senate Floor) clarifies that committee treasurers may pay expenses by electronic debit drawn on a designated committee depository. Current law only allows for a check drawn on such depository. The bill also clarifies that reimbursements may be made for electronic debit payments made by an authorized committee representative. The bill contains technical amendments. (20101981D)

SB 217 (Suetterlein) (Passed Senate; HPE) requires any single contribution of \$1,000 or more that is knowingly received or reported by a candidate for statewide office or the General Assembly during the period beginning January 1 and ending on the day immediately before the first day of a regular session of the General Assembly to be reported to and received by the State Board of Elections by January 15. The bill requires these contributions to also be reported on the first regular report following the date of the contribution. (20106179D-S1)

Public Safety/Criminal Justice

HB 744 (Watts) (Passed House; SFIN) provides that a court, in the case of a juvenile tried as an adult and convicted of a felony, may depart from any mandatory minimum sentence required by law and suspend any portion of an otherwise applicable sentence. The bill also requires the court, when sentencing a juvenile as an adult, to consider the juvenile's exposure to adverse childhood experiences, early childhood trauma, or any child welfare agency and the differences between juvenile and adult offenders. (20104812D-E)

HB 746 (Watts) (Passed House; Reported from SJUD) requires that prior to the custodial interrogation of a child, the child's parent, guardian, or legal custodian shall be notified of the child's arrest and the child shall have contact with his parent, guardian, or legal custodian in person, by telephone, or by video conference. However, notification and contact prior to a custodial interrogation is not required if the parent, guardian, or legal custodian is a codefendant in the alleged offense; the parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; the person cannot reasonably be located or refuses contact with the child; or the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the questions are limited to those that are reasonably necessary to obtain that information. (20108764D-S1)

HB 962 (Marshall) (Passed House; Reported from SJUD) prohibits the sale to persons under age 21 of hemp products intended for smoking. (20107964D-H1)

HB 1093 (Hope) (Passed House; SFIN) requires the Department of Corrections and the sheriff, jail superintendent, or other jail administrator of a local correctional facility to, upon request, assist any prisoner who does not already possess a valid government-issued identification card with all

of the paperwork necessary for such prisoner to obtain a special identification card issued by the Department of Motor Vehicles to a prisoner upon his release. Current law authorizes local correctional institutions to issue such identification cards but does not require it. (20102519D-E)

HB 262 (Lopez) (Passed House; Passed Senate with Substitute) prohibits law-enforcement officers from inquiring into the immigration status of a person who (i) reports that he is a victim of a crime or a parent or guardian of a minor victim of a crime or (ii) is a cooperating witness in the investigation of a crime or the parent or guardian of a minor witness to a crime. However, a law-enforcement officer is not prohibited from making such an inquiry if the parent or guardian has been arrested for, has been charged with, or is being investigated for a crime against the minor victim. (20108387D-S1)

HB 1150 (Lopez) (Senate Substituted Rejected by House) removes provisions requiring (i) jail officers to ascertain the citizenship of any inmate taken into custody at a jail, (ii) probation and parole officers to inquire as to the citizenship status of an individual convicted of a felony in circuit court and referred to such officers, and (iii) officers in charge of correctional facilities to inquire as to the citizenship of any person committed to a correctional facility, and therefore such information is not required to be reported to the Central Criminal Records Exchange of the Department of State Police. The bill also removes the mandatory duty of the clerk of a court committing a convicted alien to a correctional facility to furnish related court records to a United States immigration officer and the requirement that an intake officer report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security any juvenile detained on an allegation that the juvenile, believed to be in the United States illegally, committed a violent felony. This bill incorporates HB 244. (20108215D-S1)

SB 491 (Surovell) (Passed Senate; HCT) provides that the provisions requiring (i) jail officers to ascertain the citizenship of any inmate taken into custody at a jail, (ii) officers in charge of correctional facilities to inquire as to the citizenship of any person committed to a correctional facility, and (iii) the mandatory duty of the clerk of a court committing a convicted alien to a correctional facility to furnish related court records to a United States immigration officer, are limited to felony offenses. The bill also provides that the clerk of court report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security any juvenile adjudicated of delinquency or finding of guilt for a violent juvenile felony. (20107555D-S1)

HB 1467 (Aird) (Passed House; SFIN) requires the Department of Corrections and the sheriff, jail superintendent, or other jail administrator of a local correctional facility to provide to any prisoner who does not already possess a government-issued identification card a special identification card issued by the Department of Motor Vehicles upon his release. Prior to the release of any prisoner after a period of confinement of 90 days or more, if such prisoner does not already possess an original birth certificate or a Social Security card, the bill also requires the Department of Corrections and the sheriff, jail superintendent, or other jail administrator of a local correctional facility to offer to (i) provide the assistance necessary for the prisoner to apply to the appropriate state and obtain an official copy of the prisoner's birth certificate and (ii) provide the assistance necessary for the prisoner to apply to the Social Security Administration and obtain a replacement Social Security card. The bill requires the correctional institutions to establish procedures for (a) securing such special identification cards through the Department of Motor Vehicles, (b) applying

for and obtaining official copies of birth certificates or replacement Social Security cards, and (c) forwarding such documentation if it is not obtained prior to the prisoner's release or discharge. Such procedures shall include an offer to provide, or to assist the prisoner with providing, all paperwork necessary for such prisoner to be issued a special identification card, an official copy of a birth certificate, or a replacement Social Security card. The bill further provides that all costs and fees associated with obtaining such identification documentation shall be paid by the prisoner unless the prisoner is determined to be indigent. Current law authorizes local correctional institutions to issue special identification cards prior to the release of any prisoner and requires the prisoner to pay all costs and fees associated with obtaining such card. (20107239D-H1)

HJ 200 (Hayes) (Agreed to by House; SRUL) expresses the opposition of the General Assembly to the enactment or enforcement of a law requiring a six-month revocation or suspension of a person's driver's license upon conviction of a drug offense. Absent a resolution from the General Assembly expressing such opposition, the failure to enforce such a law results in the withholding of certain federal highway funding by the U.S. Secretary of Transportation from the Commonwealth. Currently, such a law is codified in §§ 18.2-259.1 and 46.2-390.1. (20107902D)

SB 64 (Lucas) (Passed Senate; HCT) provides that a person is guilty of unlawful paramilitary activity if such person brandishes a firearm or any air or gas operated weapon or any object similar in appearance while assembled with one or more persons with the intent of intimidating any person or group of persons with any firearm, any explosive or incendiary device, or any components or combination thereof. Such unlawful paramilitary activity is punishable as a Class 5 felony. (20106379D-S1)

SB 805 (Morrissey) (Passed Senate; HCT) defines "robbery" and creates degrees of punishment corresponding to the severity of a robbery offense. Any person who commits a robbery by causing serious bodily injury is guilty of robbery in the first degree, which is punishable by confinement in a state correctional facility for a maximum term of life. Any person who commits robbery by displaying a firearm in a threatening manner is guilty of robbery in the second degree, which is punishable by confinement in a state correctional facility for a maximum term of 20 years. Any person who commits robbery by using physical force not resulting in serious bodily injury, or by displaying a deadly weapon other than a firearm in a threatening manner, is guilty of robbery in the third degree, which is punishable as a Class 5 felony. Any person who commits robbery by any other means is guilty of robbery in the fourth degree, which is punishable as a Class 6 felony. Under current law, any robbery is punishable by confinement in a state correctional facility for life or any term not less than five years. (20107417D-S1)

Hate Crimes

HB 276 (Sullivan) (Passed Both Houses) includes within the definition of "hate crime" a criminal act committed against a person because of disability, sexual orientation, gender, or gender identification and requires the reporting of the commission of such crime to the State Police. This bill incorporates HB 1058. (20108222D-S1)

HB 787 (Bagby) (Passed House; Senate Floor) adds the following to the list of crimes that a multi-jurisdiction grand jury may investigate: (i) simple assault or assault and battery where the victim

was intentionally selected because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin; (ii) entering the property of another for purposes of damaging such property or its contents or interfering with the rights of the owner, user, or occupant where such property was intentionally selected because of the race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin of the owner, user, or occupant; and (iii) various offenses that tend to cause violence. (20102657D-E)

SB 179 (Favola) (Passed Senate; HCT) adds gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, or sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, disability, gender identity, or sexual orientation. The bill also eliminates the mandatory minimum terms of confinement for such hate crimes. The provisions of the bill are contingent on funding in a general appropriation act. (20105706D-ES1)

Studies/Designated Days

HJ 10 (Kory) (Agreed to by House; SRUL) designates June 1, in 2020 and in each succeeding year, as Gun Violence Awareness Day in Virginia. (20100169D)

HJ 21 (Kory) (Agreed to by House; SRUL) designates August 26, in 2020 and in each succeeding year, as Women's Equality Day in Virginia. (20100305D)

HJ 29 (Tyler) (Agreed to by House; SRUL) establishes a joint committee of the House Committee on Health, Welfare and Institutions; the House Committee on Public Safety; the Senate Committee on the Judiciary; and the Senate Committee on Rehabilitation and Social Services to study staffing levels, employment conditions, and compensation at the Virginia Department of Corrections. The resolution directs the joint committee to conclude its work by November 30, 2020, and to report its findings and recommendations no later than the first day of the 2021 Regular Session of the General Assembly. (20107185D-H1)

HJ 51 (Sickles) (Agreed to by House; SRUL) directs the Departments of Behavioral Health and Developmental Services, Education, and Social Services to jointly study the feasibility of developing an early childhood mental health consultation program available to all early care and education programs serving children from birth to five years of age. The Departments shall complete their meetings by November 30, 2020, and shall submit to the Governor and the General Assembly an executive summary and a report of their findings and recommendations for

publication as a House or Senate document by the first day of the 2021 Regular Session of the General Assembly. (20104885D)

HJ 64 (Reid) (Agreed to by House; SRUL) requests the Virginia Information Technologies Agency (VITA) to study the Commonwealth's susceptibility, preparedness, and ability to respond to ransomware attacks. In conducting its study, the Agency shall (i) assess the Commonwealth's susceptibility to ransomware attacks at the state and local levels of government; (ii) develop guidelines and best practices to prevent ransomware attacks; (iii) evaluate current data encryption and backup strategies; (iv) evaluate the availability of tools to monitor unusual access requests, viruses, and network traffic; (v) develop guidance for state agencies and localities on responding in the event of a ransomware attack; (vi) develop a coordinated law-enforcement response strategy that utilizes forensic investigative techniques to identify the source of ransomware attacks; and (vii) provide recommendations on legislative or regulatory changes to better protect state and local government entities from ransomware. The bill requires VITA to report its findings to the Governor and the General Assembly no later than the first day of the 2021 Regular Session. (20104858D)

HJ 136 (Guzman) (Agreed to by House; SRUL) expresses the sense of the General Assembly in recognizing that global warming caused by human activity that increases emissions of greenhouse gases has resulted in a climate and ecological emergency. (20103339D)

SB 486 (Favola) (Passed Senate; HRUL) directs the Virginia Department of Agriculture and Consumer Services (the Department) to study, in consultation with the Department of Environmental Quality and stakeholders, the sources, scale, and prevention of food waste in the Commonwealth. In conducting its study, the Department shall (i) assess the total annual statewide rate of preventable food waste received by landfills within the Commonwealth; (ii) identify the industry sectors within the Commonwealth that contribute to preventable food waste, and determine their rate of contribution to such waste; (iii) identify alternative uses of food that is wasted; and (iv) recommend policies to reduce the annual rate of preventable food waste in the Commonwealth with data-driven reduction targets and timelines, including food donation requirements for certain food waste from grocery stores and restaurants. The provisions of the bill are contingent on funding in a general appropriation act. (20104878D-E)

SB 734 (Deeds) (Passed Senate; Reported from HRUL) directs the Secretaries of Education and Health and Human Resources to establish a work group, co-chaired by the Commissioner of Behavioral Health and Developmental Services and the Director of Medical Assistance Services, to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group to report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. (20108571D-H1)

SJ 15 (Locke) (Agreed to by Senate; HRUL) requests the Department of Education to study the teacher licensure process and the assessment requirements therein for any inherent biases that may prevent minority teacher candidates from entering the profession. The provisions of the resolution are contingent on funding in a general appropriation act. (20101660D-E)

SJ 35 (Edwards) (Agreed to by Senate; HRUL) establishes a joint subcommittee to study the Commonwealth's requirements related to barrier crimes and criminal history records checks. The resolution directs the joint subcommittee to, in conducting its study, develop recommendations related to (i) whether statutory provisions related to criminal history records checks, barrier crimes, and barrier crime exceptions should be reorganized and consolidated into a central location in the Code of Virginia; (ii) whether certain crimes should be removed from the list of barrier crimes; (iii) whether barrier crime exceptions and waiver processes should be broadened; (iv) whether the required amount of time that must lapse after conviction of certain barrier crimes should be shortened; and (v) other changes that could be made to criminal history records check and barrier crimes requirements that would improve the organization, effectiveness, and fairness of such provisions. (20102494D)

SJ 38 (Cosgrove) (Agreed to by Senate; HAPP) directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. The provisions of the resolution are contingent on funding in a general appropriation act. (20105279D-E)

SJ 39 (Edwards) (Agreed to by Senate; HRUL) directs the Virginia State Crime Commission to (i) identify the most common charges tried before juries within the Commonwealth and determine the average sentence per charge as recommended by a jury; (ii) compare the jury-recommended sentence to the average sentence for each identified charge, factoring in alternative sentences and suspended time, as determined by a judge during a bench trial; (iii) identify any perceived negative impacts to the judicial system associated with abolishing the practice of jury sentencing and make recommendations as to how these potential negative impacts could be avoided; and (iv) determine the feasibility of abolishing jury sentencing for noncapital offenses within the Commonwealth. (20104551D)

SJ 42 (Hanger) (Agreed to by Senate; HRUL) requests the Department of Environmental Quality to establish a Waste Diversion and Recycling Task Force to study ways to increase waste diversion and recycling. The resolution requests that the Task Force work with stakeholders to (i) study methods of improving recycling, reducing waste, and diverting waste from landfills; (ii) develop recommendations to reduce waste at the source, such as composting and recycling of organic material; and (iii) consider whether current recycling rates required by Virginia law should be increased and whether state policy should be changed to give landfills a greater role in the management of organic material. It also requests that the Task Force study potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund, which under current law is used to fund local litter prevention, recycling grants to localities, and

statewide and regional litter prevention and recycling educational program grants. (20104669D-E)

SJ 47 (Surovell) (Agreed to by Senate; HRUL) requests the Judicial Council of Virginia to study the jurisdiction and organization of the Court of Appeals of Virginia and make recommendations on providing an appeal of right from the circuit courts to the Court of Appeals and organizing the Court of Appeals into four geographic circuits. (20104383D)

SJ 50 (McClellan) (Agreed to by Senate; HAPP) requests the Department of Rail and Public Transportation to study the feasibility of an east-west Commonwealth Corridor passenger rail service connecting Hampton Roads, Richmond, and the New River Valley. (20102924D-E)

SJ 53 (Lewis) (Agreed to by Senate; HAPP) directs the Department of Environmental Quality (DEQ) (the Department) to study revised priority ranking criteria for grants from the Stormwater Local Assistance Fund (the Fund) to include reduction of nitrogen pollution and report its findings and recommendations for publication as a House or Senate document. In conducting its study, the Department shall (i) analyze the benefits and costs of nitrogen pollution reduction in Virginia's waters and compare to the benefits and costs of reductions in phosphorous pollution, and (ii) determine comparable criteria to award grants from the Fund based on nitrogen reductions and revise the Fund's award criteria accordingly. The provisions of the bill are contingent on funding in a general appropriation act. (20104062D-E)

SJ 81 (Dunnvant) (Agreed to by Senate; HRUL) directs the Joint Commission on Technology and Science to establish an advisory committee to study consumer data privacy in the Commonwealth. The advisory committee is directed to review and document prevalent means of data collection by both the public and private sector, identify uses of data that should be encouraged and incentivized, recommend how to best protect personal and consumer data from misuse, and develop potential legislative recommendations. (20106135D-E)

Transportation

HB 465 (Keam) (Passed House; STRAN) extends from January 1, 2020, to October 1, 2020, the prohibition on offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in any locality that has not enacted any licensing ordinance, regulation, or other action regulating such business. The bill clarifies that localities are authorized to create or amend such ordinances, regulations, or actions even after any such business is operating in the locality and exercise authority otherwise authorized by law. The bill contains an emergency clause. (20103293D)

HB 511 (Bulova) (Passed House; Reported from SGL) authorizes any agency of state government to locate and operate a retail fee-based electric vehicle charging station on property the agency controls. The bill exempts state agencies from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. Currently state-operated charging stations may be operated by the Department of Conservation

and Recreation, Department of General Services, Department of Motor Vehicles, Department of Transportation, and public institutions of higher education. (20100946D-E)

HB 885 (Sickles) (Passed House; SFIN) raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. The bill also provides that any person who drives a motor vehicle at a speed in excess of 80 miles per hour but below 86 miles per hour on any highway in the Commonwealth having a maximum speed limit of 65 miles per hour shall be subject to an additional fine of \$100. (20106070D-EH1)

HB 1427 (Krizek) (Passed House; STRAN) authorizes a private vendor operating a video monitoring system for a school division for the purpose of recording those illegally passing stopped school buses to impose and collect an administrative fee to recover the cost of collecting the civil penalty to be paid by the operator of the vehicle. The bill contains technical amendments. (20102272D-E)

HB 1560 (Brewer) (Passed House; STRAN) directs the Virginia Department of Transportation (the Department), in consultation with the Department of Emergency Management, to develop, maintain, and make publicly available a map of primary evacuation routes in the Commonwealth. The bill requires the Department to review the transportation infrastructure along such routes and submit a report with such findings and any recommended improvements to the General Assembly at least once every five years. (20104515D)

HB 1700 (Tran) (Continued to 2021 in HTRAN) limits the release by the Department of Motor Vehicles (the Department) of information regarding proof documents or of an individual's photograph or signature provided to the Department. The bill prohibits any federal agency that primarily enforces immigration law from accessing information stored by the Department without a judicial warrant or court order. The bill limits the use of and prohibits the State Board of Elections from distributing certain immigration information provided by the Department. The bill prohibits the Department from sharing information with an entity that is in the business of selling information to a third party. The bill prohibits the use of Department information for facial recognition purposes prior to July 1, 2022, except when used by (i) the Department to ensure compliance with the REAL ID Act of 2005 or (ii) law-enforcement agencies to identify victims of sex trafficking. The bill requires the Department, in consultation with the Department of Criminal Justice Services and the Office of the Attorney General and other stakeholders, to develop recommendations on using facial recognition technology and protecting the privacy of the citizens of Virginia and to report such findings to the Governor and the General Assembly on or before December 1, 2021. The bill requires the Department of State Police to review policies related to the access of information through the Virginia Criminal Information Network. (20104588D)

HB 1726 (Askew) (Passed House; SFIN) raises additional revenues for the Hampton Roads Transportation Fund by levying a regional grantors tax and a regional transient occupancy tax. The bill provides that the new revenues generated shall be used operate a regional system of inter-jurisdictional, high-frequency bus service in the region. (20107332D-H1)

Distracted Driving

HB 675 (Robinson) (Passed House; STRAN) clarifies that the prohibition on the use of a wireless communications device by the holder of a provisional driver's license applies whether or not the device is being used for communication purposes. The bill exempts the use of applications for solely navigation purposes and global positioning systems provided that the driver does not enter information into or manually manipulate the device or system while operating the vehicle. (20101547D)

HB 874 (Bourne) (Passed Both Houses) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. This bill incorporates HB 377, HB 387, HB 512, and HB 1672. (20108193D-S1)

SB 160 (Surovell) (Passed Senate; Reported from HTRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. This bill incorporates SB 136 and SB 944. (20108445D-H1)

SB 437 (Surovell) (Passed Senate; Reported from HTRAN) provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or a person operating a bicycle, electric wheel chair, electric bicycle, wheelchair, skateboard, skates, motorized skateboard or scooter, or animal-drawn vehicle or riding an animal, is guilty of a Class 1 misdemeanor. The bill also prohibits the driver of a motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle, except in certain circumstances. (20100562D)