

**Specific Legislation and Legislation for Discussion**  
**Board of Supervisors Legislative Committee**  
**January 22, 2021**

**Specific Legislation**

**County Initiatives**

**HB 1919** (Kory) (HCCT) authorizes a locality, by ordinance, to establish a green bank to promote the investment in clean energy technologies in its locality and provide financing for clean energy technologies, defined in the bill. The bill establishes certain powers and functions of a green bank, including developing rules and procedures, financing and providing loans for clean energy projects, and stimulating demand for renewable energy. The bill requires the green bank to be a public entity, quasi-public entity, or nonprofit entity and requires the locality to hold a hearing and publish notice in a newspaper of general circulation prior to establishing the green bank. (21102092D)

**HB 1927** (Sickles) (House Floor) allows Fairfax County to appoint nine, rather than seven, commissioners to the economic development authority. (21102409D)

**SB 1208** (Barker) (Senate Floor) extends from six to 12 months the period of time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the locality to resume normal governmental authority by the end of that 12-month period. (21102240D)

**SB 1226** (Boysko) (SJUD) provides that the Compensation Board shall consider workload totals comprehensively, including the use of diversion programs and specialty dockets, when determining staffing and funding levels for an attorney for the Commonwealth and the office. (21102115D)

**Historical Positions of the Board**

**SUPPORT**

**HB 1917** (Mugler) (HCCT) provides that in any instance in which a locality is required to publish certain notices related to local planning and zoning in a newspaper having general circulation in the locality, the locality may instead choose to meet such requirement by publishing the notice on the locality's website. Recommend support; Board has historically supported. (21100328D)

**SB 1148** (Kiggans) (SPE) changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date. The bill satisfies the reenactment requirement of Chapter 1253 of the Acts of Assembly of 2020. Recommend support; Board has historically supported. (21101028D)

**OPPOSE**

**HB 1736** (Adams) (Reported from HED) excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division. The bill defines a school nurse as a registered nurse engaged in the specialized practice of nursing who protects and promotes student health, facilitates optimal development, and advances academic success. Recommend oppose. Board has historically opposed. Potential fiscal impact to Fairfax County is approximately \$11.5 million. (21102518D-H1)

**SB 1191** (Kiggans) (SFIN) excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division. The bill also requires the Department of Education to establish and administer a waiver process for local school boards for which the requirements of the bill create an undue hardship. Recommend oppose; Board has historically opposed. Potential fiscal impact to Fairfax County is approximately \$11.5 million. (21102426D)

**SB 1118** (Peake) (SPE) requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (the State Board) before registering such applicant. If the information provided by the applicant does not match the information in such database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with current law, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this bill and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access. The bill has a delayed effective date of July 1, 2023. Recommend oppose; Board has historically opposed. (21101474D)

## **New Bills – 2021 GA**

### **Miscellaneous**

**SB 1156** (Howell) (Senate Floor) creates the Technology Development Grant Fund to make grant payments to a qualified technology company that makes a capital investment of at least \$64 million at a facility in Fairfax County and creates at least 1,500 new full-time jobs at the facility. A qualified technology company would be eligible for an aggregate of \$22.5 million in grants paid over four years if it meets performance parameters and complies with the terms of a memorandum of understanding agreed upon by the company, the Commonwealth, and the Virginia Economic Development Partnership Authority. Recommend support. (21102102D)

**SB 1198** (Petersen) (SGL) prohibits law-enforcement and regulatory agencies from using license plate readers to collect and maintain personal information on individuals without a warrant. The bill provides that license plate data may be collected if intended for prompt evaluation and potential use in investigating suspected criminal activity, civil or regulatory violations, or terrorism. The data may only be retained for seven days and shall not be subject to any outside inquiries or internal usage except for the investigation of a crime or a report of a missing person. The bill also prohibits an agency from acquiring personal information collected from license plate readers from a third-party private vendor if the agency would not have been permitted to collect or retain the information on its own. Recommend oppose. (21100940D)

### **Courts**

**HB 2018** (Mullin) (HCT) allows the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include in an emergency order for adult protective services one or more of the following conditions to be imposed on the alleged perpetrator: (i) a prohibition on acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) a prohibition on such other contacts by the alleged perpetrator with the adult or the adult's family or household members as the court deems necessary for the health and safety of such persons; or (iii) such other conditions as the court deems necessary to prevent (a) acts of violence, force, or threat; (b) criminal offenses that may result in injury to persons or property; (c) communication or other contact of any kind by the alleged perpetrator; or (d) financial exploitation by the alleged perpetrator. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. Also, the bill provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the notice required has been given, unless such notice has been waived by the court. Current law just requires such hearing be held no earlier than 24 hours. Recommend support. (21102761D)

**SB 1206** (Barker) (SJUD) provides that juvenile case files shall be open for inspection by (i) the Department of Social Services or any local department of social services that is providing services or care for, or has accepted a referral for investigation and the provision of services pursuant to a request for relief of custody regarding, a juvenile who is the subject of the record for (a) a purpose relevant to the provision of the services or care or (b) the purpose of conducting an investigation or family assessment of child abuse or neglect involving the juvenile who is the subject of the

record and (ii) the Department of Behavioral Health and Developmental Services or any local community services board that is providing treatment, services, or care for a juvenile who is the subject of the record for a purpose relevant to the provision of the treatment, services, or care. Recommend support. (21102736D)

**SB 1242** (Edwards) (Reported from SJUD) provides that with the consent of the court and all parties, an appearance in a court may be made by two-way electronic video and audio communication for the purpose of (i) entry of a plea of guilty or nolo contendere and the related sentencing of the defendant charged with a misdemeanor or felony, (ii) entry of a nolle prosequi, or (iii) adjudication of an alleged violation of probation. This bill is a recommendation of the Judicial Council of Virginia and the Committee on District Courts. Recommend support. (21101001D)

**SB 1264** (Morrissey) (SJUD) provides that a person against whom an emergency or preliminary protective order has been issued may petition to have police and court records relating to such order expunged if the order expires, is dissolved by the issuing court, or if a hearing for the issuance of a permanent protective order is scheduled or held and such permanent protective order is subsequently not issued. Recommend oppose. (21101089D)

### Transportation

**HB 1813** (Krizek) (Passed House; STRAN) increases from \$600,000 to \$700,000 the value of highway maintenance and construction projects eligible to be performed by state or local employees. Recommend support. (21102052D-E)

**HB 1841** (Keam) (Reported from HTRAN) requires the Commissioner of Highways or his designee to convene a working group with relevant stakeholders, including the Virginia Association of Counties and the Virginia Municipal League, to determine whether there should be model policies for crosswalk design and installation in the Commonwealth and, if so, establish recommendations for such model policies. Recommend monitor. (21103284D-H1)

**HB 1903** (Carr) (Passed House; STRAN) authorizes local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residence district. Recommend support. (21101800D)

**HB 2071** (Convirs-Fowler) (HTRAN)/**SB 1350** (Lewis) (SFIN) requires the Commonwealth to include information on whether a project has been designed to be resilient when distributing information on the draft Six- Year Improvement Program. The bill adds resiliency to items the Statewide Transportation Plan promotes in addition to those already listed: intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety. The bill also requests the Commissioner of Highways to ensure resiliency is incorporated into the design standards for new construction projects. Recommend monitor. (21103472D, 21103492D-S1)

## Elections

**HB 1810** (VanValkenburg) (Passed House; SPE) provides that in the event that a failure of the Virginia online voter registration system occurs prior to the close of registration records, the Governor has the authority to order the online voter registration system to be available for registration activities after the date for closing the registration records for a period of time equal to the amount of time during which the online voter registration system was unavailable for registration activities, rounded up to the nearest whole day. Recommend support. (21101534D-E)

### *Absentee Voting*

**HB 1888** (VanValkenburg) (Passed House; SPE) makes various reforms to absentee voting processes and procedures, including those related to availability and accessibility. The bill requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations for the return of voted absentee ballots. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. Additionally, a voter who has applied for and received an absentee ballot may choose to instead vote at his polling place on election day, and such voter shall be entitled to cast a provisional ballot. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. Restrictions on the availability of absentee voting for first-time voters who registered by mail are repealed. The bill contains technical amendments for organizational and readability purposes. Recommend support. (21101608D-E)

**HB 2239** (Robinson) (HPE) requires certain actions to be taken to process absentee ballots that are returned by mail before election day. The general registrar is required to examine the ballot envelopes to verify completion of the required voter affirmation; mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; and open the sealed ballot envelopes and insert the ballots in optical scan counting equipment or other secure ballot container without initiating any ballot count totals. Current law requires only that the general registrar undertake at least one such activity before election day. So that ballots can be separated from ballot envelopes and scanned, the bill requires that the office of the general registrar be used as a central absentee voter precinct. The bill requires that absentee ballots processed at any central absentee voter precinct be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots be reported separately for each voter precinct. Recommend oppose. The bill creates a substantial workload and logistical challenges. (21101712D)

**SB 1153** (Suetterlein) (SPE) provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct. Recommend oppose. The bill creates a substantial workload and logistical challenges. (21101986D)

**SB 1245** (Deeds) (SPE) requires the establishment of a drop-off location for the return of marked absentee ballots at the office of the general registrar and each voter satellite office. On the day of any election, a drop-off location shall be available at each polling place in operation for such election. The bill allows the general registrar of any county or city to establish additional drop-off locations within the county or city as he deems necessary. The Department of Elections is required to set standards related to the establishment and operation of drop-off locations, including security requirements. The bill also requires general registrars to take certain actions to preprocess absentee ballots returned before election day and to notify an absentee voter of any errors or issues with the completion or return of his absentee ballot that would render the ballot void. The general registrars are required to enter into the voter's record in the registration system that the voter's absentee ballot has an issue requiring correction and to notify the voter in writing or by email of the error or failure, in addition to providing information on how to correct the issue. The absentee voter then has until noon on the third day following the election to make necessary corrections so that his ballot may be counted. This ballot cure process applies only to those absentee ballots received by the Friday immediately preceding the day of the election. The bill contains technical amendments for organizational purposes. Recommend support. (21100967D)

### **Electronic Meetings**

**HB 1931** (Levine) (HGL) authorizes a public body to conduct through electronic communication means a meeting for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. The bill also clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25 percent of the meetings held that calendar year rounded up to the next whole number, whichever is greater. This bill is a recommendation of the Virginia Freedom of Information Advisory Council. Recommend support. (21101369D).

**SB 1271** (McPike) (Reported from SGL) allows a public body, or a joint meeting thereof, to meet by electronic communication means without a quorum of the public body physically assembled at one location when a locality in which the public body is located has declared a local state of emergency, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. Under current law, public bodies may only meet in such manner when the Governor has declared a state of emergency, and only for the purpose of addressing the emergency. Finally, the bill requires public bodies meeting through electronic communication means during a local or state declaration of a state of emergency to (a) make

arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body, and (b) provide the public with the opportunity to comment at such meetings when public comment is customarily received. Recommend support. (21101309D)

### **Firearms**

**HB 1757** (McGuire) (HCT) provides that if (i) the Commonwealth designates any property owned by it as a firearm-free zone or (ii) any locality designates such locality or any part of such locality as a firearm-free zone, the Commonwealth or such locality waives its sovereign immunity as it relates to any injuries sustained by persons lawfully present in such firearm-free zone. Recommend oppose. (21101679D)

**HB 1773** (Freitas) (HPS) allows any person who is otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth. Recommend oppose. (21100642D)

**HB 1793** (Davis) (HPS) provides that any local ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof on specified public property shall not apply to a person who has a valid concealed handgun permit. Recommend oppose. (21101843D)

**SB 1382** (Favola) (SJUD) prohibits a person who has been convicted of assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 3 misdemeanor. Recommend support. (21102782D)

### **Health and Human Services**

**HB 1820** (Helmer) (HHWI) allows Temporary Assistance for Needy Families (TANF) and food stamp recipients, to the extent permitted by federal law and regulations, to satisfy or earn exemption from applicable work and training requirements through enrollment in postsecondary education. The bill directs the Department of Social Services to utilize certain strategies to promote such postsecondary education opportunities and streamline the process for certifying compliance therewith. The bill also directs the Board of Social Services, in implementing the Commonwealth's food stamp program, to (i) establish broad-based categorical eligibility, (ii) set the gross income eligibility standard at 200 percent of the federal poverty guidelines, and (iii) not impose an asset limit. Recommend support. (21101472D)

**HB 2019** (McQuinn) (HED) requires each local school board to adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers and valved holding chambers in every public school in the local school division, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers for any student believed in good faith to be in need of such medication. Recommend oppose. (21102599D)

**SB 1185** (Dunnivant) (SRSS) directs the Commissioner for Aging and Rehabilitative Services to adopt regulations that allow an assisted living facility in which 30 percent or more of the residents are auxiliary grant recipients to receive 200 percent of the auxiliary grant rate. Recommend oppose unless amended to direct state to assume increased payment rate over current rate, thereby removing added local costs. (21101560D)

**SB 1304** (McPike) (SEH) provides that a discharge plan shall be completed within 30 days of the individual's date of discharge from a state hospital or training center. Current law requires that a discharge plan be completed prior to the individual's discharge. The bill also reduces from within 30 days to within 72 hours of the individual's identification as ready for discharge the time by which a community services board must document its disagreement with the determination that an individual is ready for discharge from a state hospital or training center. Recommend oppose. (21102367D)

**SB 1328** (Mason) (SFIN) creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. Recommend support. (21103088D-S1)

**SJ 293** (Spruill) (SRUL) directs the Joint Commission on Health Care to study available data regarding assisted living and auxiliary grants and develop a blueprint for implementing recommendations that will allow the Commonwealth to provide a more realistic system of addressing housing and care needs. Recommend support. (21102328D)

### Housing

**HB 2050** (Bourne) (HFIN) establishes, starting in taxable year 2021, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years. Recommend support. (21102648D)

**SB 1197** (Locke) (SFIN) establishes, starting in taxable year 2021, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years. Recommend support. (21102520D)

### Land Use

**HB 2131** (Lopez) (HGL) adds the chief administrative officer of a locality to the list of persons who may be sent notice of certain license applications by the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority. The bill allows localities to submit conditional recommendations for the granting of a license and allows the locality to request a 15-day extension to the 30-day period during which an objection to or recommendation for a license must be

submitted. The bill requires the Board to give reasonable consideration to any objection or recommendation submitted by the locality. The bill also expands the definition of criminal blight, for which the locality may require a property owner to take corrective action, to include a condition existing on real property that endangers public health or safety and is caused by (i) the regular presence on the property of persons in possession of controlled substances, (ii) the discharge of a firearm under certain conditions, and (iii) repeated violations of state laws or local ordinances involving acts that pose a risk of danger to persons or private property. Recommend support. (21101639D)

**SB 1186** (Hashmi) (SACNR) prohibits the construction of any new municipal solid waste landfill within three miles of any designated historic district, building, structure, object, or site. Recommend oppose. (21100531D)

**SB 1200** (Hashmi) (SACNR) requires any application (i) to store, provide treatment for, or dispose of hazardous waste or (ii) for a new solid waste management facility permit, except for a noncaptive industrial landfill, to include certification from the governing body for each locality within a five-mile radius of the facility, other than the locality in which the facility is or will be located, granting approval of the facility or activity. Recommend oppose. (21101204D)

**SB 1249** (Stuart) (SLG) adds rezoning or generalized development plans, special use permits, and special exception applications to various review deadlines and requirements for local planning commissions. Recommend oppose. (21100584D)

**SB 1274** (Marsden) (Reported from SACNR) directs various agencies to consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan. The bill directs the Department of Wildlife Resources to assist state agencies and political subdivisions, and by request any federal agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations of the Plan when developing any governmental strategic plan, map, or action. Recommend amend. Amend to make optional for localities. Fairfax County has extensive environmental planning that has been successful. (21101399D)

**SB 1457** (Surovell) (SLG) provides that any locality utilizing the urban county executive form of government (Fairfax County) may include a provision in its historic preservation ordinance requiring public access to an historic area, landmark, building, or structure, or land pertaining thereto, or providing that no subdivision shall occur within any historic district unless approved by the review board or, on appeal, by the governing body of the locality as being compatible with the historic nature of such area, landmarks, buildings, or structures therein with regard to any parcel or parcels that collectively are (i) adjacent to a navigable river and a national park, (ii) owned by a common owner exempt from taxation, and (iii) in part or as a whole subject to an easement granted to the National Park Service or Virginia Outdoors Foundation granted on or after January 1, 1973. Recommend support with amendment to clarify language for implementation. (21102678D)

**Environment and Energy**

**HB 2042** (Guy) (HCCT)/**SB 1393** (Marsden) (SLG) gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. Recommend support. (21102573D, 21102865D)

**HB 2074** (Simonds) (HAG) establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031. The bill directs each state agency, no later than October 1, 2021, to adopt an agency-specific environmental justice policy that requires an evaluation of the environmental justice consequences of any covered agency action, requires a consideration of the environmental justice consequences or cumulative impacts of the administration of regulations, and contains other features, including robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by a covered agency action. The bill prohibits the issuance of a permit for any covered activity, including construction of an electric generating facility or sanitary landfill, until the applicant has submitted and the permitting authority has approved a public involvement plan, a cumulative impact statement, and an environmental justice impact statement, if applicable. The bill requires the permitting authority to deny the application or approve it with or without conditions. Finally, the bill requires each local government adopting or reviewing a comprehensive plan to also adopt an environmental justice strategy. Recommend amend. Amend to state that localities may consider environmental justice strategy during each review of its comprehensive plan. (21102822D)

**HJ 527** (Bulova) (HRUL) requests the Department of Conservation and Recreation, jointly with the Department of Agriculture and Consumer Services, to establish a work group to study the sale and use of invasive plant species. The resolution requests that the departments work with several state agencies, conservation nonprofits, and plant industry and agriculture groups to develop recommendations regarding statutory and regulatory changes intended to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants. Recommend support. (21102405D)

**SB 1309** (Ebbin) (Senate Floor) authorizes grants from a local Stormwater Management Fund to be used for measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, including floodproofing, flood protection products, and grading. Current law allows such funds to be used only for the construction, improvement, or repair of a stormwater management facility or for erosion and sediment control. Recommend support. (21103219D-S1)

## **Procurement**

**HB 1857** (Subramanyam) (HGL) exempts any locality with a population in excess of 400,000 from the limitations on architectural and professional engineering contract single-project fees for environmental, location, design, and inspection work regarding highways and bridges. Current law exempts the Commissioner of Highways from such limitations and the exemption is continued in the bill. Recommend support. (21101307D)

### *Project Labor Agreements*

**HB 2237** (McQuinn) (HGL) requires every public body, prior to requiring bidders, offerors, contractors, subcontractors, or operators on contracts for the design or construction of a road, highway, bridge, or similar transportation improvement to enter into, become or remain signatories to, or adhere to project labor agreements, to make a written determination that requiring such bidders, offerors, contractors, subcontractors, or operators to enter into, become or remain signatories to, or adhere to such project labor agreements advances the public's interests based on objective criteria established by the public body by regulation or ordinance, such as cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned and women-owned business participation in the project. Recommend oppose. (21102029D)

**SB 1419** (Marsden) (SCL) requires that for contracts requiring the design or construction of a road, highway, bridge, or similar transportation improvement, a public body wishing to enter into a project labor agreement shall first determine by written finding that participation in such project labor agreement advances the public interest, based on objective criteria established by the public body by regulation, ordinance, or resolution that may include cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned or women-owned business participation in the project. Recommend oppose. (21102268D)

## Legislation Provided for Discussion

**HB 1880** (Krizek) (HGL) delays by one additional year, from July 1, 2021, to July 1, 2022, the prohibition on the play or offering for play of skill games that was instituted in the 2020 Regular Session. The bill extends the one-year phase-out of existing skill games by one additional year to July 1, 2022, but decreases to 90 percent the total number of machines that a distributor may provide for play to truck stops and Virginia Alcoholic Beverage Control Authority retail licensees (ABC retail licensees) relative to the number of machines such distributor previously reported to the Virginia Alcoholic Beverage Control Authority (the Authority) on July 1, 2020. The bill caps the total number of skill games that persons operating truck stops and ABC retail licensees may make available for play to no more than 20 and six, respectively. The bill extends the prohibition on distributors offering new skill games for play. The bill keeps oversight authority over skill games with the Authority. The bill extends the requirement that each distributor pay a monthly tax of \$1,200 for each skill game provided for play during the previous month. Revenues will accrue one percent to the Problem Gambling Treatment and Support Fund, three percent to the Authority for the purposes of implementing the bill, 33 percent to the localities in which the skill games are located, one percent to the Family and Children's Trust Fund, two percent to the Virginia Breeders Fund, and 60 percent to the Commonwealth Transportation Fund. The bill extends the requirement that distributors report monthly to the Authority the number of skill games provided for play. Finally, the bill prohibits persons younger than 21 years of age from playing skill games or redeeming the evidence of winnings for them. (21102510D)

**SB 1384** (Surovell) (SGL) allows a participating locality, for any procurement solicitation or contract exceeding \$10,000 for goods and services, to require the bidder or offeror to disclose certain information regarding pre-dispute arbitration clauses, defined in the bill, in employment, civil rights, and consumer disputes, and provides that a locality may consider the policies and practices related to arbitration of each bidder and offeror. The bill also provides that a participating locality shall require the bidder or offeror to provide written or electronic submissions to allow the locality to ascertain (i) whether the bidder or offeror requires persons with whom it is in a work relationship or prospective work relationship to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover an employment or civil rights dispute and (ii) whether the bidder or offeror requires consumers to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover a consumer or civil rights dispute as a condition of purchasing products or services, downloading mobile applications, or using websites. The bill authorizes a participating locality to cancel, terminate, or suspend, in whole or in part, the contract of any contractor that has violated a provision of the bill and to declare the contractor ineligible for further contracts with such locality for up to five years. (21102806D)

**SB 1385** (Surovell) (SLG) removes the sunset on a pilot program allowing a locality that has adopted the urban county executive form of government (Fairfax County) to request an electric utility to place underground electric distribution lines as part of a transportation infrastructure improvement project and changes a number of provisions in the program including (i) expanding the scope to include electric cooperatives, telecommunications providers, cable providers, and other utilities; (ii) making discretionary the requirement that the utility and locality enter into an agreement for certain terms; (iii) placing additional limits on the levy to fund the project and the

types of projects for which it may be imposed; and (iv) authorizing the locality to secure necessary permits on behalf of the utility or provider. (21102804D)

**SB 1404** (Lewis) (SACNR) authorizes grants from the Stormwater Local Assistance Fund (SLAF) awarded for projects related to Chesapeake Bay total maximum daily load (TMDL) requirements to take into account total phosphorus reductions or total nitrogen reductions. The bill authorizes grants awarded for eligible projects in localities with high or above average fiscal stress as reported by the Commission on Local Government to account for more than 50 percent of the costs of a project. (21102801D)