

**Agenda and Documents
Legislative Committee Meeting
February 15, 2019**

Staff “Watch List” and Legislation Provided for Information

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

Miscellaneous

HB 2305 (Leftwich) (Passed House; Reported from SLG) sets out sections in Title 15.2 that are currently carried by reference only. Locality descriptions are replaced with locality names, and various technical amendments are made. This bill is a recommendation of the Virginia Code Commission. (19105628D-H1)

SB 1255 (Ruff) (Approved by Governor) creates the Major Headquarters Workforce Grant Fund. A qualified e-commerce company that makes a capital investment of at least \$2 billion in a major headquarters facility in Arlington County and that creates at least 25,000 new full-time jobs with an average annual wage of \$150,000 will be eligible for up to \$550 million in grants from the Fund. A qualified company may also be eligible for an additional \$200 million in grants for creating an additional 12,850 new full-time jobs. (CHAP0001)

SB 1638 (Boysko) (Passed Senate; HCT) alters the requirements for newspapers that may be used for legal notices and publications by (i) changing the publication and circulation requirement from 24 consecutive weeks to at least 50 of the preceding 52 weeks and requiring such publication be in printed form; (ii) requiring that such a newspaper provide general news coverage of the area in which the notice is to be published; and (iii) requiring that such a newspaper have a periodicals mailing permit issued by the United States Postal Service. The bill further provides that a newspaper that lacks a periodicals permit issued by the United States Postal Service may petition the circuit court for the jurisdiction in which such notices or publications are to be published, as opposed to where such newspaper is located as current law requires, for the authority to be certified as a newspaper of general circulation. The bill further allows a locality that determines that no newspaper published in such locality otherwise meets the requirements that enable it to be a newspaper for the use of such notices and publications to petition the circuit court in the jurisdiction in which such notices and publications are to be published for the authority to be published in another medium. The bill specifies that such petition shall not be filed without majority approval of the locality's local governing body. The bill requires that any newspaper authorized to publish such notices and publications shall also (a) print such notices and publications in a prominent location in such newspaper with an identifying heading printed in boldface letters no smaller than 24-point type and (b) maintain at least three years' worth of print archives of such newspaper and make such archives available for public inspection. The bill further requires that a newspaper shall post a notice on the newspaper's website, if such a website is published by such newspaper, and on a searchable, statewide repository website established and maintained as a joint venture of the majority of Virginia newspapers as a repository for such notices. The bill provides that any notice published on a website shall be accessible to the public at no charge. (19105912D-S1)

Courts

HB 2289 (Leftwich) (Passed House; Senate Floor) provides that, where a matter is pending in either the general district court or the circuit court, upon motion of the plaintiff seeking to amend the amount of the claim, the court shall order transfer of the matter to the court having jurisdiction over the claim without requiring a dismissal of the claim or a nonsuit. The bill further provides that, where such an amended claim provides the general district court and the circuit court with concurrent jurisdiction over such a claim, the court shall transfer the matter to either the general district court or the circuit court, as directed by the plaintiff, provided that such court otherwise has jurisdiction over the matter. (19101784D)

HB 2300 (Collins) (Passed House; Senate Floor) prohibits any person who is required to register on the Sex Offender and Crimes Against Minors Registry or the federal National Sex Offender Public Website from operating a taxicab for the transportation of passengers for hire. (19106790D-S1)

HB 2317 (Aird) (Passed House; SCT) provides that in custody and visitation cases in which a history of family abuse has been considered, at the request of either party, the court may order a law-enforcement officer to be present at the exchange of a child pursuant to a custody or visitation order. (19103599D-E)

SB 1263 (Saslaw) (Passed Senate; HCT) increases the minimum age that a juvenile can be tried as an adult in circuit court for a felony larceny offense from 14 years of age to 16 years of age. (19105673D-S1)

SB 1659 (Marsden) (Passed Senate; HCT) in order to be tried as an adult in circuit court for charges that require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires, unless waived by the juvenile and his attorney, that (i) a report of the juvenile be prepared by probation services or other qualified agency and (ii) the attorney for the Commonwealth review such report prior to filing his notice of intent to proceed with a preliminary hearing for trial of such juvenile as an adult. (19105564D-ES1)

Education/Schools

HB 1729 (Landes) (Passed Both Houses) changes the name of guidance counselors to school counselors and requires each school counselor employed by a school board in a public elementary or secondary school to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students. (HB1729ER)

HB 2053 (McQuinn) (Passed House; SEH) changes the name of guidance counselors to school counselors and requires school boards to employ school counselors in accordance with the following ratios: in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; and in high schools, one period per 60 students, one full-time

at 300 students, one additional period per 60 students or major fraction thereof. Such ratios would be effective with the 2019-2020 school year. (19105937D-H1)

SB 1406 (Dance) (Passed Senate; Passed House with Substitute) changes the name of guidance counselors to school counselors and requires school boards to employ school counselors in accordance with the following ratios: (i) effective with the 2019-2020 school year, in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof; (ii) effective with the 2020-2021 school year, in elementary schools, one hour per day per 60 students, one full-time at 300 students, one hour per day additional time per 60 students or major fraction thereof; in middle and high schools, one period per 55 students, one full-time at 275 students, one additional period per 55 students or major fraction thereof; and (iii) effective with the 2021-2022 school year, in elementary, middle, and high schools, one hour per day per 50 students, one full-time at 250 students, one additional hour per day per 50 students or major fraction thereof. The provisions of the bill are contingent on funding in a general appropriation act. (19106756D-H1)

SB 1130 (Locke) (Passed Senate; HAPP) directs the Department of Criminal Justice Services (Department) to establish compulsory minimum training standards for law-enforcement officers serving as school resource officers that may include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, behavioral health or substance abuse disorders, or trauma experiences; and (viii) student behavioral dynamics, including child and adolescent development. The bill also directs the Department, in consultation with the Department of Education and the Virginia State Crime Commission, to include such similar minimum training standards for school security officers. The bill requires each school board to ensure that every public school employs at least one school administrator who has attended school safety training conducted by the Virginia Center for School and Campus Safety in school safety, anti-bullying tactics, and effective identification of students who may be at risk for violent behavior and are in need of special services or assistance. The provisions of the bill are contingent on funding in a general appropriation act. (19104359D-ES1)

Elections

SB 1087 (Obenshain) (Passed Senate; HPE) requires counties, cities, and towns to adjust local election district lines to coincide with congressional or state legislative district lines established by the General Assembly. Precincts are required to be wholly contained within a single congressional district, Senate district, House of Delegates district, or local election district, and local governing bodies are directed to establish precinct boundaries immediately after the completion of the General Assembly's decennial redistricting so that each precinct is so wholly contained. The bill provides that if a locality is unable to comply with this requirement it shall apply to the State Board of Elections for a waiver to administer a split precinct and the State Board may grant that waiver

or direct the locality to create a precinct with fewer than the required number of registered voters, as it deems appropriate. (19104968D-S1)

Employment Issues and Grievances

HB 2263 (Krizek) (Passed House; SGL) provides that any evidence gathered solely through an interrogation that breached any procedures required by the Firefighters and Emergency Medical Technicians Procedural Guarantee Act shall be excluded from being presented in any case against a firefighter or emergency medical services personnel. (19105723D-H1)

SB 1494 (Edwards) (Passed Senate; HCT) prohibits evidence gathered through the conduct of an interrogation that violates the provisions of the Firefighters and Emergency Medical Technicians Procedural Guarantee Act from being admissible in any case against a firefighter or emergency medical services personnel. (19106090D-S1)

Environment

HB 2621 (Ingram) (Passed House; Reported from SLG) requires a locality, as part of the local legislative approval process or as a condition of approval of a site plan, to require an owner, lessee, or developer of real property to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon certain terms and conditions, including right of entry by the locality and financial assurance. (19106249D-H1)

HB 2755 (Fariss) (Passed House; SACNR) requires that the use of real property for open-space land shall conform to the official comprehensive plan for the area in which the property is located. Current law provides that no conservation easement shall be valid and enforceable unless the limitations it creates conform in all respects to the comprehensive plan at the time the easement is granted. (19104628D-E)

Solar

SB 1091 (Reeves) (Passed Both Houses) requires a locality, as part of the local legislative approval process or as a condition of approval of a site plan, to require an owner, lessee, or developer of real property to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon certain terms and conditions, including right of entry by the locality and financial assurance. This bill incorporates SB 1398. (19105928D-S2)

Stormwater

SB 1328 (Hanger) (Passed Senate; HAPP) authorizes the Department of Environmental Quality (the Department), with the approval of the Secretary of Natural Resources, to designate a portion of the moneys appropriated to the Stormwater Local Assistance Fund for fiscal year 2020 and any subsequent fiscal year, in an amount no greater than 20 percent of the appropriated amount, to provide matching grants to local governments that are not regulated under municipal separate storm sewer system (MS4) permits for the planning, design, and implementation of stormwater best management practices. The bill directs the Department to prioritize grants for projects that are

regional in scope. The bill requires any designated moneys remaining after the Department has completed its annual solicitation of grant applications and made related authorization decisions for projects proposed by non-MS4 localities to be available for authorization by the Department to additional projects of MS4 localities. The bill directs the Department to seek stakeholder input and public comment in developing eligibility criteria and to submit such criteria by January 1, 2020, for consideration by the State Water Control Board. (19103935D-E)

Health and Human Services

HB 1663 (Edmunds) (Passed House; Senate Floor) provides that no regulation issued by the Board of Health (Board) shall require any restaurant that is operated by (i) a nonprofit civic service organization, (ii) a volunteer fire department, or (iii) a volunteer emergency medical services agency to employ a certified food protection manager. The bill defines a "certified food protection manager" as a person who has demonstrated proficiency in food safety issues, regulations, and techniques in maintaining a safe-food environment by passing a test and receiving a certification as part of a program that is accredited by the Board. (19105081D-H1)

HB 2296 (Leftwich) (Passed House; Reported from SCT) provides that when a complaint is filed alleging that the website of a bank, trust company, savings institution, or credit union does not comply with applicable law regarding its accessibility by the vision impaired or hearing impaired, the responsive pleading deadline shall be extended to 120 days after service of the summons and complaint upon the defendant to give such an entity an opportunity to cure any defect regarding its website accessibility. The bill further provides that, if the defendant files a responsive pleading stating that it has cured the defect, the court shall hold an evidentiary issue on the issue. The bill provides that the court shall dismiss an action or prayer for injunctive relief where it has found that the defendant has cured such a defect. The bill further provides that, in such a circumstance, the court may award reasonable attorney fees to the plaintiff. (19106926D-S1)

HB 2569 (LaRock) (Passed House; Reported from SLG) provides that if a zoning administrator in a locality that has, by ordinance, allowed a zoning administrator to use an administrative process to issue zoning permits for family day homes receives a written objection to an application for a permit to operate a family day home within 30 days of notification of such application, the zoning administrator may issue the permit if the family day home meets all the other criteria for issuance of the permit or may deny the permit, or, if required to do so by local ordinance, refer the permit to the local governing body for consideration. (19105974D-H1)

HB 2577 (Thomas) (Passed House; Reported from SFIN) requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals of any age. Currently, such coverage is required to be provided for individuals from age two through age 10. The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2020. (19102840D)

Land Use

HB 2141 (Thomas) (Passed House; Reported from SLG) authorizes a local governing body, with respect to a service district, to contract with a broadband service provider who will construct, maintain, and own communications facilities and equipment required to facilitate delivery of last-mile broadband services to unserved areas of the service district, provided that the locality documents that less than 10 percent of residential and commercial units within the project area are capable of receiving broadband service at the time the construction project is approved by the locality. (19105598D-H1)

HB 2310 (Hayes) (Passed House; Reported from SLG) authorizes any locality to regulate the activity on, or use or development of, a flood plain in a manner consistent with any state and federal flood plain management programs and requirements. The bill provides that its provisions shall be given retroactive and prospective effect. (19102214D-E)

HB 2375 (Roem) (Passed House; Reported from SLG) provides that if a local governing body reduces the time period by which a planning commission shall review a proposed zoning ordinance amendment to less than 100 days, the governing body shall hold at least one public hearing on the proposed reduction of the commission's review period and publish notice of such public hearing at least two weeks prior to the public hearing date and shall also publish the notice on the locality's website, if one exists. (19102117D-E)

SB 1403 (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. (19102869D)

SB 1699 (Peake) (Passed Senate; HCCT) authorizes a locality, through provisions in a subdivision ordinance or zoning ordinance, subject to certain terms and conditions included in the ordinance, to grant a developer of land the option of either (i) dedicating land for and constructing a sidewalk, the need for which is substantially generated by the proposed development and reasonably required by the locality or (ii) contributing funds equivalent to the cost of the dedication of land for and construction of a sidewalk on the property to a sidewalk fund, maintained and administered by the locality. Such sidewalk fund may be used by the governing body for sidewalk improvements in the locality. (19104033D-E)

Opioids

SB 1349 (McDougle) (Passed Senate; HCT) eliminates the requirement to substantially cooperate with law enforcement in any investigation of any criminal offense reasonably related to an overdose in order to qualify for an affirmative defense from 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. (19103528D)

Public Safety/Criminal Justice

HB 1771 (Mullin) (Passed Both Houses) provides that juveniles who have been screened for needing community-based services using an evidence-based assessment protocol are eligible to receive community-based services as provided by the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.) (the Act). The bill also requires the total number of children who have been screened for needing community diversion or community-based services using an evidence-based assessment protocol to be factored into the funding determination for community diversion services as provided for by the Act. (HB1771ER)

HB 1933 (Hope) (Passed Both Houses) establishes a process for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner in such facility who is incapable of giving informed consent for such treatment. The process parallels the existing process for the Director of the Department of Corrections to seek authorization to provide involuntary treatment to prisoners in state correctional facilities. The bill requires the court to authorize such treatment in a facility designated by the sheriff or administrator upon finding that the prisoner is incapable, either mentally or physically, of giving informed consent; that the prisoner does not have a relevant advanced directive, guardian, or other substitute decision maker; that the proposed treatment is in the best interests of the prisoner; and that the jail has sufficient medical and nursing resources available to safely administer the treatment and respond to any adverse side effects that might arise from the treatment. The bill provides that the treatment ordered may be provided within a local or regional correctional facility if such facility is licensed to provide such treatment. If statutory procedures are followed, the service provider does not have liability based on lack of consent or lack of capacity to consent unless there is injury or death resulting from gross negligence or willful and wanton misconduct. (19104834D-H1)

SB 1207 (Stuart) (Passed Senate; HMP) defines a school protection officer as a retired law-enforcement officer hired on a part-time basis by the local law-enforcement agency to provide limited law-enforcement and security services to Virginia public elementary and secondary schools. The bill also provides that the Department of Criminal Justice Services shall establish compulsory minimum training standards for all persons employed as school protection officers and that such training may be provided by the employing law-enforcement agency and shall be graduated and based on the type of duties to be performed. (19105551D-S1)

Unmanned Aircraft Systems

SB 1507 (Carrico) (Passed Senate; HCT) provides that a law-enforcement officer may deploy an unmanned aircraft system (i) to aerially survey a primary residence of the subject of the arrest warrant to formulate a plan to execute an existing arrest warrant or capias for a felony offense or (ii) to locate a person sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer remains in hot pursuit of such person. (19105749D-S1)

School Safety

HB 1753 (Sickles) (Passed House; SEH) prohibits school employees from opening or closing an electronic room partition in any school building except under certain limited circumstances. The bill requires any annual safety review or exercise for school employees in a local school division to include information and demonstrations, as appropriate, regarding the operation of such partitions. The bill also requires the Board of Education to make available to each school board model safety guidance regarding the operation of such partitions. (19106060D-H1)

HB 1787 (Ransone) (Passed Both Houses) adds (i) threats of death or bodily injury to another person communicated in writing to such person or member of such person's family and (ii) threats to commit serious bodily harm to persons on school property to the listing of offenses that a juvenile intake officer is required to report to the school division superintendent, when a petition is filed alleging that a juvenile student committed such an offense. (HB1787ER)

SB 1381 (McDougle) (Passed Both Houses) adds (i) threats of death or bodily injury to another person communicated in writing to such person or member of such person's family and (ii) threats to commit serious bodily harm to persons on school property to the listing of offenses that a juvenile intake officer is required to report to the school division superintendent, when a petition is filed alleging that a juvenile student committed such an offense. (19101051D)

Disorderly Conduct in Public Schools

SB 1107 (McClellan) (Passed Senate; HCT) eliminates the Class 1 misdemeanor for disrupting willfully or while intoxicated, whether willfully or not, the operation of any school or any school activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed. (19101854D)

Medical Marijuana and School Policy

HB 1720 (Hurst) (Passed House; Passed Senate with Substitute; House Floor) provides that no school nurse employed by a local school board, person employed by a local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board, or other person employed by or contracted with a local school board to deliver health-related services shall be prosecuted for possession or distribution of cannabidiol oil or THC-A oil for storing, dispensing, or administering cannabidiol oil or THC-A oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil. The bill also provides that the Department of Health Professions, in coordination with the Department of Education, shall develop and make available to school boards a standardized form that is to be completed by the practitioner who issues a written certification and a pharmaceutical processor that dispenses the cannabidiol oil or THC-A oil to a student. (19106546D-S1)

Taxation

HB 2529 (Hugo) (Communicated to Governor)/**SB 1372** (Norment) (Communicated to Governor) advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, effective starting in taxable year 2018. Starting in taxable year 2019, the bill deconforms from the provisions of the federal Tax Cuts and Jobs Act (TCJA) that limit the deduction for state and local taxes and that suspend the overall limit on itemized deductions. The bill establishes income tax subtractions starting in taxable year 2018 for Global Intangible Low-Taxed Income (GILTI) and for one-fifth of the amount of business interest that is disallowed as a deduction from federal income tax. The bill increases the standard deduction to \$4,500 for single individuals and \$9,000 for married persons filing jointly for taxable years 2019 through 2025. Under current law, the standard deduction is \$3,000 for single individuals and \$6,000 for married couples filing jointly. The bill provides for a refund, not to exceed a taxpayer's tax liability of up to \$110 for individuals and \$220 for married persons filing a joint return. The refund will be issued in October 2019 and will be available only for a taxpayer filing a final return by July 2019. The refunds will be reduced and prorated if the additional revenues generated by the TCJA are insufficient to fully fund the refunds. The bill establishes the Taxpayer Relief Fund (the Fund). For fiscal years 2019 through 2025, any additional revenues attributable to the TCJA, beyond those necessary to fund the provisions of the bill, would accrue to the Fund. The bill directs the General Assembly to appropriate money from the Fund to enact permanent or temporary tax reform measures. The bill contains an emergency clause. (HB2529ER, SB1372ER)

HJ 676 (Filler-Corn) (Agreed to by House; Senate Floor) permits the General Assembly to authorize the governing body of any county, city, or town to exempt from taxation one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability. The amendment provides that only automobiles and pickup trucks qualify for the exemption. Additionally, the exemption would only be applicable on the date the motor vehicle is acquired or the effective date of the amendment, whichever is later, but would not be applicable for any period of time prior to the effective date of the amendment. (19106757D-S1)

SJ 278 (Reeves) (Agreed to by Senate; HPE) 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. (19105271D-S1)

Internet Sales Tax

HB 1722 (Bloxom) (Passed Both Houses) directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use

tax shall not apply to transactions occurring before July 1, 2019. The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate. The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser. The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections. (19105919D-H1)

SB 1083 (Ruff) (Passed Both Houses) directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019. The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate. The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser. The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections. The bill incorporates SB 1120, SB 1267, SB 1294, SB 1337, SB 1390, SB 1500, SB 1601, and SB 1767. (19106731D-H1)

Transportation

HB 2269 (Poindexter) (Passed Both Houses) prohibits the Governor or any state agency from adopting any regulation establishing or bringing about the participation by the Commonwealth in the Transportation and Climate Initiative or any other regional transportation sector emissions program. The bill provides that the Commonwealth shall be allowed to participate in such a regional transportation sector emission program if the House of Delegates and the Senate of Virginia each adopt a resolution by two-thirds vote that specifically references and approves the regulatory text proposed for adoption by a state agency. (HB2269ER)

HB 2465 (Collins) (Passed House; SLG) the bill requires that engineering safety analyses and monthly evaluations conducted by a locality related to traffic light signal photo-monitoring systems, commonly known as red-light cameras, be posted on such locality's website, if available. The bill requires the reporting of certain traffic incident and financial data. The bill requires localities to establish a 15-day probationary period during which only advisory letters are issued for recorded traffic light signal violations when such a system is implemented or expanded. The bill has a delayed effective date for localities with existing traffic light signal photo-monitoring systems. (19104071D)

SB 1296 (Barker) (Passed Senate; HTRAN) adds the Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, and Point of Rocks Bridge to the Potomac River bridges subject to the Potomac River Bridge Towing Compact to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving the District of Columbia, Maryland, and Virginia appropriate authority anywhere on the bridges. This amendment to the Compact shall not become effective until a substantially similar amendment is enacted by the State of Maryland and the District of Columbia, as provided for in the Compact. (19102225D-E)

SB 1470 (Edwards) (Passed Senate; HAPP) directs the Secretary of Transportation to evaluate the impact of increased fuel efficiency and increased use of hybrid and electric vehicles on transportation revenues, and to report to the General Assembly no later than December 10, 2019. The bill incorporates SB 1322. (19106414D-S2)

Distracted Driving

HB 1811 (Collins) (Passed House; Reported from SCT)/**SB 1341** (Stuart) (Passed Senate; HCT) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits only the reading of any email or text message and manually entering letters or text in such a device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are being held and used (i) as an amateur radio or a citizens band radio; or (ii) for official Department of Transportation or traffic incident management services. (19106270D-H1, 19106056D-S1)

SB 1768 (Mason) (Passed Senate; HCT) prohibits any person from holding a handheld personal communications device while driving a motor vehicle in a highway work zone, with certain exceptions. The bill provides that a violation is a Class 1 misdemeanor. Current law prohibits only the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating, with the same exceptions. (19106291D-S1)

Dulles Greenway

SJ 254 (Black) (Agreed to by Senate; HRUL) requests the Department of Transportation to study the feasibility of purchasing all or part of the Dulles Greenway. (19100620D-E)

Parking Ordinances

HB 1818 (Delaney) (Passed House; Passed Senate with Substitute; House Floor) authorizes any county or town with a population of at least 40,000 to provide by ordinance that law-enforcement officers, other uniformed employees of the locality, and uniformed personnel under contract with the locality may issue a summons or parking ticket for a violation of the locality's ordinances or regulations regarding the parking, stopping, or standing of vehicles. Current law creates such authority for any city with a population of at least 40,000. (19106541D-S1)

SB 1044 (Black) (Conference Committee Requested) authorizes any county or town with a population of at least 40,000 to provide by ordinance that law-enforcement officers, other uniformed employees of the locality, and uniformed personnel under contract with the locality may issue a summons or parking ticket for a violation of the locality's ordinances or regulations regarding the parking, stopping, or standing of vehicles. Current law creates such authority for any city with a population of at least 40,000. The bill imposes a maximum fine of \$75 for the violation of such local ordinance. (19106576D-H1)

VII. Legislation Provided for Information

HB 1979 (Sullivan) (Passed House; Reported from SCT) amends the assisted conception statute to provide gender-neutral terminology. The bill allows an unmarried individual to be an intended parent, paralleling the ability of an unmarried individual to adopt under the adoption statutes. The bill further allows for the use of an embryo owned by an intended parent in a surrogacy arrangement. The bill contains technical amendments. (19106595D-S1)

SB 1080 (Edwards) (Passed Senate; HCT) creates proposed Title 55.1 (Property and Conveyances) as a revision of existing Title 55 (Property and Conveyances). Proposed Title 55.1 consists of 29 chapters divided into five subtitles: Subtitle I (Property Conveyances), Subtitle II (Real Estate Settlements and Recordation), Subtitle III (Rental Conveyances), Subtitle IV (Common Interest Communities), and Subtitle V (Miscellaneous). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to real and personal property conveyances, recordation of deeds, rental property, common interest communities, escheats, and unclaimed property. The bill has a delayed effective date of October 1, 2019, and is a recommendation of the Virginia Code Commission. (19100845D)

SJ 275 (Chase) (Passed Senate; HCT) reaffirms that all persons residing in Virginia are afforded equal protection under the law. The resolution cites numerous guarantees of equality that currently exist in both federal and state law. (19104904D-S1)

Conflict of Interests Act

HB 1889 (James) (Passed House; SRUL)/**SB 1067** (Howell) (Passed Senate; HRUL) requires the Virginia Conflict of Interest and Ethics Advisory Council to meet upon the call of the chairman or when a majority of Council members request a meeting. Current law requires the Council to meet quarterly or upon the call of the chairman. (19101448D, 19101449D)

Courts

HB 1814 (Hope) (Passed House; Reported from SCT) provides that a court may defer or limit jury service of persons who have legal custody of and are responsible for a child or children 16 years of age or younger requiring continuous care by such person during normal court hours to the term of court next after such period of responsibility ends. Under current law, persons with such responsibility are exempt upon request, but no provision is given for the court to defer such person's jury service until after such period of responsibility ends. (19107089D-S1)

HB 2042 (Murphy) (Passed House; Passed Senate with Amendment; House Floor) provides that upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of an offense that occurred within a period of 20 years of the instant offense against a family or household member of (i) assault and battery against a family or household member, (ii) malicious wounding or unlawful wounding, (iii) aggravated malicious wounding, (iv) malicious bodily injury by means of a substance, (v) strangulation, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses is guilty of a Class 1 misdemeanor and the sentence of such person shall include a mandatory minimum term of confinement of 60 days. (19105044D-H1)

HB 2127 (Davis) (Passed House; SCT) provides that, while considering the best interests of a child for the purposes of determining custody or visitation arrangements, the court shall, when appropriate, assure frequent and continuing contact with each parent. (19105450D-H1)

HB 2678 (Simon) (Passed House; Passed Senate with Substitute) provides, for the purposes of the prohibition against the unlawful dissemination or sale of certain images of another person, that "another person" includes a person whose image was used in creating, adapting, or modifying a videographic or still image with the intent to depict an actual person and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic. (19106817D-S1)

Education/Schools

HB 1652 (Robinson) (Passed Both Houses) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill requires local school boards that set the school calendar with a pre-Labor Day opening date, except those schools that were granted a "good cause" waiver for the 2018-2019 school year, to close all schools in the division from (i) the Thursday immediately preceding Labor Day through Labor Day or (ii) the Friday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day. (19106555D-S1)

SB 1005 (Chase) (Passed Both Houses) requires each local school board to set the school calendar so that the first day students are required to attend school is no earlier than 14 days before Labor Day unless the Board of Education waives such requirement for good cause. Under current law, each local school board is required to set the school calendar so that the first day students are

required to attend school is after Labor Day unless the Board of Education waives such requirement for good cause. The bill provides that in each school division in which the school board sets the school calendar so that the first day students are required to attend school is before Labor Day, such school board shall close each school in the school division from the Friday immediately preceding Labor Day through Labor Day. The bill exempts from certain requirements set forth above certain school boards that were previously granted good cause waivers by the Board of Education. (19106259D-S1)

Elections

HB 1790 (Krizek) (Passed House; Reported from SPE) provides that an applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day. (19100644D)

HB 2046 (McNamara) (Passed House; Reported from SPE)/**SB 1577** (Suetterlein) (Communicated to Governor) requires that on any ballot all offices to be elected shall appear before any questions presented to the voters. (19102880D, SB1577ER)

HB 2148 (Ingram) (Passed House; Reported from SPE) requires the names of all candidates on the ballots to be in the same font, size, and style. (19100390D)

HB 2204 (Filler-Corn) (Passed House; Reported from SPE) removes the requirement that the officer of election audibly repeat the address of a voter offering to vote. The bill does not change the requirement for the officer of election to audibly repeat the voter's full name. (19101879D-E)

SB 1244 (Reeves) (Passed Senate; HPE) adds to the list of protected voters any person who has been approved to be a foster parent pursuant to law. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants. (19103143D)

SB 1564 (Lewis) (Passed Senate; HPE) directs the State Board of Elections to revise its regulations for reviewing and processing candidate petitions. The regulations are required to provide processes for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration was canceled, for tracking information associated with candidate petitions, and for escalating cases of suspected fraud to an appropriate entity. The bill requires the State Board to promulgate these regulations on or before January 1, 2020. (19106098D-S1)

HB 2625 (Lindsey) (Passed House; Reported from SPE) requires a recount court to issue a written order setting out the rules of procedures fixed by it for the conduct of a recount prior to the commencement of such recount. The bill also directs the State Board of Elections to promulgate standards and instructions for conducting simultaneous recounts of two or more elections in a single election district. (19103933D)

SB 1781 (Obenshain) (Passed Senate; HPE) clarifies that a proceeding to contest (i) a primary election for the United States House of Representatives, the Virginia Senate, the House of Delegates, or any county, city, town, or district office or (ii) an election to any county, city, town, or district office shall be in the circuit court of the county or city that the challenged candidate listed as his residency on his certificate of candidate qualification. Currently, the law provides that such proceeding be in the county or city in which the challenged candidate resides. (19104092D)

Campaign Finance

HB 1617 (Cole) (Passed House; SRUL) adds a definition of "personal use of campaign funds" and prohibits the use of contributions, or conversion of items acquired using contributions, to a candidate or campaign committee for a strictly personal purpose with no intended, reasonable, or foreseeable benefit to the candidate's campaign or public office. Complaints of alleged violations may be made to the State Board of Elections (the State Board) by any person who contributed to the candidate or candidate's campaign committee. The subject of the complaint has 30 days to either (i) reimburse the campaign committee the complained-of amount or (ii) provide to the State Board documentation or other evidence that the use of the campaign funds had an intended, reasonable, or foreseeable benefit to the campaign or the candidate's public office. If the subject of the complaint provides such documentation or other evidence, the State Board shall review the response made by the subject of the complaint and determine whether the use of campaign funds had any intended, reasonable, or foreseeable benefit to the campaign or the candidate's public office. The State Board shall assess a civil penalty, in an amount not to exceed \$250, against a complaining party who is found to have filed a frivolous complaint. The bill amends the Freedom of Information Act to allow closed meetings for the State Board to review complaints related to the personal use of campaign funds. If the State Board determines that there were no intended, reasonable, or foreseeable benefits and the complained-of amount has not been reimbursed, it shall call a public hearing. If the complaining party declines to participate in the hearing, the complaint shall be dismissed. A person found by a unanimous vote of the State Board to have willfully and knowingly violated the prohibition on personal use of campaign funds must repay to the campaign committee the amount unlawfully converted to the personal use of the candidate or a member of the candidate's immediate family and must return to the complaining party the full amount of the complaining party's contribution to the campaign. The State Board may also assess an additional civil penalty, in an amount not to exceed \$250. The person found to be in violation may seek review under the Administrative Process Act. The bill authorizes the Virginia Conflict of Interest and Ethics Advisory Council (the Council) to issue formal advisory opinions regarding the provisions governing the personal use of campaign funds pursuant to the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.). A person who has relied on such an opinion in good faith after he provides full disclosure of the facts will not be subject to the penalties outlined in the bill. In addition, the Council will be required to develop and publish guidance on the provisions of the Campaign Finance Disclosure Act that prohibit the personal use of campaign funds. The bill has an effective date of July 1, 2020. (19100359D-E)

HB 1719 (Hurst) (Passed House; Reported from SPE) makes the provisions of the Campaign Finance Disclosure Act (the Act) applicable to any candidate for a town office in a town with a population of less than 25,000 if such candidate accepts contributions or makes expenditures in

excess of \$25,000. Currently, the Act does not apply to town elections in a town with a population of less than 25,000 unless an ordinance in that town provides otherwise. (19101047D)

Redistricting

SB 1579 (Suetterlein) (Passed Senate; HPE) provides criteria by which congressional and state legislative districts are to be drawn, including equal population, racial and ethnic fairness, respect for existing political boundaries, contiguity, compactness, and communities of interest. The criteria set out would apply to those districts drawn following the 2020 United States Census and thereafter. (19101768D)

SJ 306 (Barker) (Passed 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. The selection committee is tasked with adopting a process by which registered Virginia voters may apply to serve on the Commission and selecting from the applicants a list of 16 candidates. The amendment requires four of the candidates to be voters who affiliate with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial election, four candidates to be voters who affiliate with the political party receiving the next highest number of votes for governor at the immediately preceding gubernatorial election, and eight candidates to be voters who do not affiliate with any political party. The Speaker of the House of Delegates, the minority leader in the House of Delegates, and the majority and minority leaders in the Senate then strike names from the list until there is the final list of eight citizen members, two of whom affiliate with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial election, two of whom affiliate with the political party receiving the next highest number of votes for governor at the immediately preceding gubernatorial election, and four of whom do not affiliate with any political party. 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. In order to be submitted to the General Assembly for a vote, a plan must receive an affirmative vote of at least six of the eight legislative members and six of the eight citizen members. No amendments may be made to a plan by the General Assembly or the Governor. In the event that the Commission fails to submit a plan by its deadline, or the General Assembly fails to adopt a plan by its deadline, or the Governor fails to act on or vetoes a plan by his deadline, districts shall be decided by judicial decision. (19105499D-ES1)

Split Precincts

HB 2760 (Sickles) (Passed House; SFIN) requires the clerk of the county, city, or town to send a Geographic Information System (GIS) map, along with the ordinance containing a description of the boundaries, to the local electoral board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services when redistricting local election districts or making any changes to the local election districts or precincts. If a county, city, or town does not have GIS capabilities, the locality may request the Department of Elections to create a GIS map on its behalf and the Department of Elections shall create such a map. The bill requires the Department to review any ordinance and GIS map received and compare the boundaries contained within with the information in the voter registration system to ensure voters have been assigned to the correct districts and to notify localities of any corrections that may be necessary. The Department is further required to maintain and make available on its official website maps showing the current election district and precinct boundaries of each county and city. (19104650D-E)

SB 1018 (Chase) (Passed Senate; Passed House with Substitute) directs each county, city, and town to review the assignment of voters within its jurisdiction to ensure that voters are assigned to the correct districts. The electoral board and general registrar of each county, city, or town shall conduct this review by comparing the information in the voter registration system with the boundaries of the districts and precincts set out in a Geographic Information System (GIS) map of the locality and shall make corrections to incorrect assignments as necessary, assisted by the State Board of Elections upon request. The bill requires this review to be completed not later than the 2020 November general election. After the conclusion of its review and after making any necessary corrections, each locality is required to submit to the State Board a report of the results of its review and any corrections to voter assignments that were made. The bill requires the State Board of Elections to report the statewide results to the General Assembly on or before the first day of the 2021 Session. The provisions of the bill are contingent on funding in a general appropriations act. (19106690D-H1)

HJ 591 (Cole) (Agreed to by House; Reported from SPE) gives the General Assembly the authority to make technical adjustments to legislative electoral district boundaries following the enactment of any decennial reapportionment law. Such adjustments may be made solely for the purpose of causing legislative electoral district boundaries to coincide with the boundaries of voting precincts established in the counties and cities and shall be permitted only to the extent necessary to accomplish this purpose. Any change made shall be consistent with any criteria for legislative electoral districts adopted for the preceding decennial redistricting. (19101055D)

State Board of Elections

HB 1620 (Ransone) (Passed House; Reported from SPE) increases the membership of the State Board of Elections (Board) from three members to six members and increases the terms of Board members from four years to six years. Equal representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the last preceding gubernatorial election. Appointments shall be made with due consideration of geographical representation, and no two Board members may reside in the same congressional district. Terms are initially staggered. The bill also grants to the Board the authority to appoint,

subject to confirmation by the General Assembly, the Commissioner of Elections to head the Department of Elections and to act as the principal administrative officer. Additionally, the Board has the authority to remove the Commissioner. The appointment or removal of the Commissioner shall require an affirmative vote of five of the six Board members. The bill also directs the Department of Elections to employ a Director of Operations, who is to be responsible for managing the day-to-day operations at the Department. The bill requires the Board to submit an annual report to the Governor and the General Assembly. (19106755D-S1)

SB 1455 (Vogel) (Passed Senate; HPE) increases the membership of the State Board of Elections from three members to five members and increases the terms of Board members from four years to five years. Representation shall be 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 also grants to the Board the authority to appoint and remove the Commissioner of Elections, subject to confirmation by the General Assembly. The appointment or removal of the Commissioner shall require an affirmative vote of four of the five Board members. The bill has a delayed effective date of January 1, 2020. (19105523D-S1)

Voter Registration

HB 2178 (Sickles) (Passed House; Reported from SPE) directs the State Board of Elections to promulgate regulations and standards necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies utilized by the counties and cities to maintain and record registrant information. The local electoral boards are also required to develop and update annually written plans and procedures to ensure the security and integrity of the supporting technologies. The local electoral boards are further required to report annually to the Department of Elections on its security plans and procedures. The bill authorizes the Department of Elections to limit a locality's access to the Virginia voter registration system if it is determined that the county or city has failed to develop security plans and procedures or to comply with the security standards established by the State Board; such access would be limited as necessary to address and resolve any security risks or to enforce compliance. Records describing protocols for maintaining the security of the Virginia voter registration system and the supporting technologies utilized to maintain and record registrant information are exempted from the Freedom of Information Act and meetings to discuss those protocols are permitted to be closed pursuant to the provisions of the Freedom of Information Act. The bill requires the State Board of Elections to convene a work group prior to adopting security standards and to establish a standing advisory group of local government IT professionals and general registrars to assist and consult on updates to security standards. (19101864D-E)

HB 2764 (Wilt) (Passed House; Reported from SPE) requires person who assists an applicant with the completion of a paper voter registration application or collects a completed paper voter registration application directly from an applicant to provide his name and telephone number and indicate the group or organization with which he is affiliated, if any, on the registration application. The bill prohibits any registration application from being denied on the basis of such information not being provided. The measure exempts from such requirement any state or local government employee who assists with the completion of registration applications or who collects completed

registration applications as part of his official duties. The identifying information of the person assisting with the completion of or collecting a completed paper application shall not be entered into the registration record of the applicant. (19101405D-E)

SB 1042 (Marsden) (Passed Senate; HPE) requires the general registrars to notify a person whose registration has been denied within 14 days of the denial and provides that a person denied registration may appeal such denial by filing a petition within 10 days of being notified of the denial. Currently, the law simply requires that such notice be made promptly and that the appeal be filed within 10 days after the denial. (19101184D)

Environment – Stormwater

HB 2361 (Jones, S.C.) (Passed House; SACNR) provides that the statewide technical criteria for stormwater management that were adopted by the State Water Control Board during 2011 and became effective July 1, 2014, shall be applicable to those land-disturbing activities that are subject to a stormwater management permit that was initially issued prior to July 1, 2014, where notice of transfer of such permit to another party is provided to the Department of Environmental Quality after December 31, 2020, but no land-disturbing activities have commenced before such provision of notice. The bill creates exceptions for projects involving certain governmental bonding or public debt financing and for land-disturbing activities that are served by existing stormwater management facilities. (19106039D-H1)

SB 1248 (Reeves) (Passed Senate; HCCT) authorizes a locality by ordinance to create a local Stormwater Management Fund consisting of appropriated local moneys for the purpose of granting funds to an owner of private property or a common interest community for stormwater management and erosion prevention on previously developed lands. (19102694D-E)

Firearms

HB 1656 (Cole) (Passed Both Houses) allows private or religious schools to employ a school security officer and to authorize a school security officer to carry a firearm in the performance of his duties, subject to the same criteria for carrying a firearm in the performance of his duties imposed on a school security officer employed by the local school board. The bill also updates the definition of school security officer in the assault and battery statute. (HB1656ER)

HB 1874 (Ransone) (Passed House; SACNR) provides that any person who cruelly or unnecessarily shoots any dog or cat that is a companion animal and, as a direct result, causes the death or euthanasia of such dog or cat is guilty of a Class 6 felony. (19106243D-H1)

HB 2252 (Head) (Passed House; SACNR) allows a landowner whose property, including multiple contiguous parcels, spans two or more localities to elect to have the firearms ordinances of the locality in which the largest portion of the contiguous parcel lies apply to anyone hunting on the property. The bill requires any landowner making such an election to notify the Department of Game and Inland Fisheries. (19105382D-EH1)

HB 2253 (Pogge) (Passed Both Houses) requires the Department of State Police (Department) to issue a concealed handgun permit to a nonresident within 90 days of receipt of the nonresident's completed application unless it determines that he is disqualified. The bill provides that the Department shall certify the nonresident's application as a de facto concealed handgun permit, which is effective for a period of 90 days after issuance, if the Department has not issued the permit or determined that the nonresident is disqualified within that 90-day period. The bill has a delayed effective date of October 1, 2019. (HB2253ER)

HB 2548 (Rush) (Passed Both Houses) creates a method whereby circuit courts shall report to the Department of State Police the issuance of a restoration order that unconditionally authorizes the possession, transportation, or carrying of a firearm to a person (i) who has been convicted of a felony; (ii) adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder, kidnapping, robbery by the threat or presentation of firearms, or rape; or (iii) under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult. The bill provides that if a court enters an order restoring a felon's right, the order shall contain the felon's name and date of birth and the clerk of the court shall certify and forward the restoration order accompanied by a complete set of the petitioner's fingerprints to the Central Criminal Records Exchange (CCRE). The bill provides that the Department of State Police, upon receipt of the restoration order, shall enter the felon's name and description in the CCRE so that law-enforcement personnel accessing the CCRE will be aware of the order's existence. The bill has a delayed effective date of January 1, 2021. (HB2548ER)

HB 2721 (Freitas) (Passed House; SEH) allows a school security officer to carry a firearm in the performance of his duties if, within 10 years immediately prior to being hired by the local school board, he was employed by a law-enforcement agency of the United States or any state or political subdivision thereof and his duties were substantially similar to those of a law-enforcement officer in the Commonwealth. Under current law, only a school security officer who was an active law-enforcement officer in the Commonwealth within 10 years immediately prior to being hired by the local school board may qualify to carry a firearm in the performance of his duties. (19100996D)

SB 1012 (Chase) (Passed Senate; HMP) provides that any firefighter or person employed as emergency medical services personnel may carry a concealed handgun while engaged in the performance of his official duties, provided that such firefighter or person employed as emergency medical services personnel has been approved to carry a concealed handgun by his fire chief or emergency medical services chief. The bill requires the Department of Criminal Justice Services, in consultation with the Office of Emergency Medical Services of the Department of Health and the Department of Fire Programs, to develop a model policy regarding carrying a concealed handgun for firefighters and emergency medical services personnel. (19105018D-S1)

SB 1024 (Black) (Passed Senate; HRUL) repeals the statutory prohibition on carrying a gun, pistol, bowie knife, dagger, or other dangerous weapon, without good and sufficient reason, to a place of worship while a meeting for religious purposes is being held at such place. (19100172D)

SB 1048 (Cosgrove) (Passed Senate; HMP) eliminates the requirement that a sheriff or local police department seek written authorization or approval from the local governing body before allowing an auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than fair market value. (19100661D)

SB 1179 (Stuart) (Passed Senate; HMP) provides that for purposes of determining domicile to obtain a resident concealed handgun permit a member of the United States Armed Forces is domiciled in the county or city where such member claims his home of record with the United States Armed Forces. The bill clarifies that a member of the United States Armed Forces who is stationed outside of the Commonwealth but domiciled in the Commonwealth may apply for a resident concealed handgun permit. (19100047D)

SB 1251 (Reeves) (Passed Senate; HCT) exempts from the prohibition on selling or possessing switchblade knives any manufacturer, distributor, or retailer of switchblade knives that imports, manufacturers, distributes, or otherwise possesses any switchblade knives, or parts thereof, for export from or sale outside of the Commonwealth. (19102677D)

SB 1321 (Hanger) (Passed Senate; HMP) requires that firearms and ammunition in a licensed family day home be stored in a locked closet, cabinet, or container during the family day home's hours of operation. The bill requires that the key or combination to such locked storage places be maintained out of the reach of all children in the family day home. (19105893D-S1)

Health and Human Services

HB 1735 (Robinson) (Passed House; SRUL) establishes the Commission on Student Behavioral Health as a legislative branch commission. The purpose of the Commission shall be to (i) assess the efficacy of developing and implementing a statewide behavioral health and suicide prevention hotline that students may use to report threats of violence or receive real-time counseling services; (ii) review the current school counselor-to-student ratio, and whether the realignment of counseling responsibilities proposed by the House Select Committee on School Safety is improving schools' ability to provide counseling services to students; (iii) review the current roles and responsibilities of school nurses, psychologists, and social workers in schools and determine whether a realignment of responsibilities could improve or streamline behavioral health services offered to students; (iv) evaluate the efficacy and costs of providing enhanced behavioral health services in schools delivered through partnerships established between school divisions and local departments of social services and community services boards; (v) assess the effectiveness of de-escalation and other alternative disciplinary policies when interacting with students suffering from behavioral health challenges; (vi) examine the value of additional teacher training requirements on student behavioral health, such as mental health first aid; and (vii) examine other topics related to student behavioral health identified by the Commission. The Commission shall consist of 12 members as follows: seven members of the House of Delegates, of whom two shall be members of the House Committee on Health, Welfare and Institutions, two shall be members of the House Committee on Education, two shall be members of the House Committee on Appropriations, and one shall be a member at-large, to be appointed by the Speaker of the House of Delegates; and five members of the Senate, of whom two shall be members of the Senate Committee on Education and Health, two

shall be members of the Senate Committee on Finance, and one shall be a member at-large, to be appointed by the Senate Committee on Rules. The Commission may appoint, employ, and remove an executive director and such other persons as it deems necessary and determine their duties and fix their salaries or compensation within the amounts appropriated therefor. The Commission may also employ experts who have special knowledge of the issues before it. All agencies of the Commonwealth shall provide assistance to the Commission, upon request. The bill has an expiration date of July 1, 2021. (19101085D-E)

HB 1986 (Bell, Richard P.) (Passed House; Reported from SFIN) requires any person of school age who is admitted to the Commonwealth Center for Children and Adolescents to be permitted to participate in any education program offered in the facility that is administered by the Department of Education, regardless of his enrollment status, unless such child has been excused from attendance at school due to a bona fide religious training or belief. The bill permits information required to enroll such person in any such education program to be disclosed in accordance with state and federal law. (19105308D-H1)

HB 2223 (O'Quinn) (Passed House; SEH) requires health carriers to administer its health benefit plans in a manner consistent with, or include in contracts for pharmacy benefits management, criteria and provisions that (i) permit a covered individual to fill any mail order-covered prescription, at the covered individual's option, at any mail order pharmacy or network participating retail community pharmacy if the network participating retail community pharmacy agrees to accept a price that is comparable to that of the mail order pharmacy, calculated to reflect all drug manufacturer's rebates, direct and indirect administrative fees, costs and any remuneration; (ii) prohibit a pharmacy benefits manager (PBM) or carrier from imposing a differential copayment, additional fee, or other condition on any covered individual who elects to fill his prescription at an in-network retail community pharmacy that is not similarly imposed on covered individuals electing to fill a prescription from a mail order pharmacy; and (iii) require the PBM to use the same benchmark index to reimburse all pharmacies participating in the health benefit plan regardless of whether a pharmacy is a mail order pharmacy or a retail community pharmacy. The measure applies with respect to contracts entered into, amended, extended, or renewed on or after January 1, 2020. (19106247D-H1)

HB 2258 (Pogge) (Passed House; SRSS) exempts parents and other persons who participate in a cooperative preschool center on behalf of a child attending such cooperative preschool center, including such parents and persons who are counted for the purpose of determining staff-to-child ratios, from orientation and training requirements applicable to staff of child day programs. The bill provides that such exempt parents may be required to complete up to four hours of training per year. (19103912D)

HB 2280 (Head) (Passed House; SRSS) adds to the list of programs that are not considered child day programs and are not subject to licensure (i) programs of recreational activities offered by a local government, staffed by local government employees, and attended by school-age children and (ii) programs offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division. Under law that takes effect July 1, 2019, such programs are considered child day programs that are exempt

from licensure and subject to certain health and safety requirements administered by the Department of Social Services. Under the provisions of the bill, however, such child day programs shall remain subject to safety and supervisory standards established by the local government or school division offering the program. (19103931D)

HB 2282 (Filler-Corn) (Passed House; SEH) directs the Board of Counseling to promulgate emergency regulations for the issuance of temporary licenses to individuals engaged in a counseling residency so that they may acquire the supervised, postgraduate experience required for licensure. (19105443D-H1)

HB 2322 (Hodges) (Passed House; SEH) directs the Department of Health to develop a plan for the oversight and enforcement by the Department of requirements related to the inspection and pump-out of onsite sewage treatment systems that do not require a Virginia Pollutant Discharge Elimination System permit established pursuant to the Chesapeake Bay Preservation Act and are located in counties eligible for participation in the Rural Coastal Virginia Community Enhancement Authority. The bill requires the Department to present such plan to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health prior to implementing the plan. (19102316D-E)

HB 2457 (Landes) (Passed House; SEH) provides that the Board of Medicine may issue a retiree license to any doctor of medicine, osteopathy, podiatry, or chiropractic who holds a valid unrestricted license to practice in the Commonwealth upon receipt of a request and submission of the required fee. The bill provides that a person to whom a retiree license has been issued shall not be required to meet continuing competency requirements for the first biennial renewal of such license. The bill also provides that a person to whom a retiree license has been issued may only engage in the practice of medicine, osteopathy, podiatry or chiropractic for the purpose of providing charity care or in-home health care services to patients for whom travel is a barrier to receiving health care. (19105633D-H1)

HB 2521 (Rasoul) (Passed Both Houses) directs the Board of Social services to amend regulations governing staffing of assisted living facility units with residents who (i) have serious cognitive impairment due to a primary psychiatric diagnosis of dementia and (ii) are unable to recognize danger or protect their own safety and welfare to create an exception to certain staffing requirements for night hours. (19104765D-H1)

HB 2546 (Robinson) (Passed House; Reported from SEH) establishes the Maternal Death Review Team (Team) to develop and implement procedures to ensure that maternal deaths occurring in the Commonwealth are analyzed in a systematic way. The bill requires the Team to provides that information and records obtained or created by the Maternal Death Review Team to (i) develop and revise as necessary operating procedures for maternal death reviews, including identification of cases to be reviewed and procedures for coordinating among the agencies and professionals involved; (ii) improve the identification of and data collection and record keeping related to causes of maternal deaths; (iii) recommend components of programs to increase awareness and prevention of and education about maternal deaths; and (iv) recommend training to improve the review of maternal deaths. The bill also requires the Team to compile triennial statistical data regarding maternal deaths and to make such data available to the Governor and the General Assembly. The

bill provides that information and records obtained or created by the Team and portions of meetings of the Team at which individual maternal deaths are discussed shall be confidential. (19105204D-H1)

HB 2559 (Pillion) (Passed House; Reported from SEH) provides certain exceptions, effective July 1, 2020, to the requirement that any prescription for a controlled substance that contains an opioid be issued as an electronic prescription. The bill requires the licensing health regulatory boards of a prescriber to grant such prescriber a waiver of the electronic prescription requirement for a period not to exceed one year due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances demonstrated by the prescriber. The bill provides that a dispenser is not required to determine whether one of the exceptions applies when he receives a non-electronic prescription for a controlled substances containing opioids. The bill requires the Boards of Medicine, Nursing, Dentistry, and Optometry to promulgate regulations to implement the prescriber waivers. Finally, the bill requires the Secretary of Health and Human Resources to convene a work group to identify successes and challenges of the electronic prescription requirement and offer possible recommendations for increasing the electronic prescribing of controlled substances and to report to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022. (19101805D-E)

HB 2652 (Hope) (Passed House; Reported from SEH) directs the Board of Behavioral Health and Developmental Services to amend regulations governing licensed providers to require every licensed provider to provide a statement regarding the character, ability, and fitness for employment of a current or past employee or other individual currently or previously associated with the provider in a capacity that requires a criminal history background check to any other licensed provider with which the current or past employee has applied for employment or to fill a role that requires a criminal history background check upon receipt of a request for such information from the other licensed provider and written consent to the disclosure of such information executed by the current or past employee or other individual currently or previously associated with the provider in a capacity that requires a criminal history background check. (19102852D-E)

HB 2722 (Watts) (Passed Both Houses) provides that a nursing facility in a continuing care retirement community in Planning District 8 and registered with the State Corporation Commission may be certified for participation in the Virginia Medical Assistance Program without regard to any condition on a certificate of public need, so long as not more than 25 percent of the nursing home beds located in the facility, or 15 of the facility's nursing home beds, whichever is fewer, are occupied by individuals receiving benefits at any given time. Currently, such nursing homes may be certified for participation in the Virginia Medical Assistance Program without regard to any condition on a certificate of public need, so long as not more than 10 percent of the nursing home beds located in the facility are occupied by individuals receiving benefits. (HB2722ER)

HB 2731 (Edmunds) (Passed House; Reported from SEH) requires every laboratory reporting the results of a test for Lyme disease ordered by a health care provider in an office-based setting to include, together with the results of such test provided to the health care provider, a notice stating

that the results of Lyme disease tests may vary and may produce results that are inaccurate and that a patient may not be able to rely on a positive or negative result from such test. Such notice shall also include a statement that health care providers are encouraged to discuss Lyme disease test results with the patient for whom the test was ordered. The bill also provides that a laboratory that complies with the provisions of the act shall be immune from civil liability absent gross negligence or willful misconduct. (19105570D-H1)

HB 2749 (Poindexter) (Passed House; SRSS) directs the Department of Social Services to report annually by December 1 to the General Assembly information regarding the number of reported violations of restrictions on the use of TANF cash assistance, including the number of reported cases involving multiple violations of such restrictions. (19106096D-H1)

HB 2798 (Garrett) (Conference Committee) requires the Commissioner of Health, in cooperation with the Bureau of Insurance, to collect health claims data from certain insurers, corporations, managed care organizations, third-party administrators, and any self-funded employee welfare benefit plans (ERISA plans) whose employer has opted-in to the All-Payer Claims Database, the Department of Medical Assistance Services, state government health insurance plans, local government health insurance plans, and federal health insurance plans. The bill provides that employers that maintain an ERISA plan may opt-in to participate in the All-Payer Claims Database and provides a process for such agreement. The bill adds members to the advisory committee to the nonprofit organization that administers the All-Payer Claims Database. The bill requires the Commissioner of Health to establish a data release committee to review and approve requests for access to data and prohibits the release of data without the approval of such committee. The bill requires the nonprofit organization to ensure that data is timely submitted to the All-Payer Claims Database and authorizes the Board of Health to assess a civil penalty on entities not in compliance. (19105677D-H1)

SB 1004 (Chase) (Passed Senate; House Floor) requires hospitals to provide written information about the patient's ability to request an estimate of the payment for an elective procedure, test, or service. The bill requires such written information to be posted conspicuously in public areas of the hospital, including admissions or registration areas, and on any website maintained by the hospital. The bill also requires any physician, physician assistant, or nurse practitioner who practices in an office-based setting to provide, upon request of a patient, a good faith estimate of the charges for health care services for the patient. (19104197D-S1)

SB 1221 (Chafin) (Passed Both Houses) requires insurers, corporations, or health maintenance organizations to cover medically necessary remote patient monitoring services as part of their coverage of telemedicine services to the full extent that these services are available. The bill defines remote patient monitoring services as the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload. The bill requires the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services. (19105327D-S1)

SB 1289 (Edwards) (Communicated to Governor) establishes a process by which the Board of Pharmacy, an authorized agent of the Board, or law enforcement can seize and place under seal controlled substances and prescription devices that are owned or possessed by a person or entity when the registration, license, permit, or certificate authorizing such ownership or possession is suspended or revoked. The bill also provides procedures and requirements for the transfer and disposal of sealed controlled substances and prescription devices if subject to forfeiture. The bill provides that the period in which the Director of the Department of Health Professions, his authorized agent, or a law-enforcement officer may properly dispose of the seized drugs and devices in the event the owner has not claimed and provided for the proper disposition of the property is 60 days from notice of seizure. Under current law, such period is six months from notice of seizure. (SB1289ER)

SB 1314 (Hanger) (Passed Both Houses) requires that any child who is admitted to a state hospital or state mental health facility for inpatient treatment shall, if appropriate, participate in any education and training program in such state hospital or state mental health facility unless such child has been excused from attendance at school attendance due to a bona fide religious training or belief. (SB1314ER)

SB 1436 (McClellan) (Communicated to Governor) requires any licensed hospital, whenever a health care provider in such hospital reports suspected child abuse or neglect resulting from prenatal substance exposure, to require the development of a written discharge plan that includes, among other things, appropriate treatment referrals and notice to the community services board of the jurisdiction in which the mother resides for the appointment of a discharge plan manager. The bill provides that such reports shall not constitute a per se finding of child abuse or neglect. (19105309D-S1)

SB 1488 (Hanger) (Passed Senate; HRUL) directs the Secretary of Health and Human Resources to convene a stakeholder work group to examine the causes of the high census at the Commonwealth's state hospitals for individuals with mental illness, including (i) the impact of the practice of conducting evaluations of individuals who are the subject of an emergency custody order in hospital emergency departments, the treatment needs of individuals with complex medical conditions, the treatment needs of individuals who are under the influence of alcohol or other controlled substances, and the need to ensure that individuals receive treatment in the most appropriate setting to meet their physical and behavioral health care needs on the census at the Commonwealth's state hospitals for individuals with mental illness, and (ii) the potential impact of extending the time frame during which an emergency custody order remains valid, revising security requirements to allow custody of a person who is the subject of an emergency custody order to be transferred from law enforcement to a hospital emergency department, diverting individuals who are the subject of an emergency custody order from hospital emergency departments to other more appropriate locations for medical and psychological evaluations, and preventing unnecessary use of hospital emergency department resources by improving the efficiency of the evaluation process on the census at the Commonwealth's state hospitals for individuals with mental illness. The work group shall analyze how such issues affect both adults and children. The work group shall develop recommendations for both long-term and short-term solutions to the high census at the Commonwealth's state hospitals for individuals with mental illness and shall report such recommendations to the Chairman of the Joint Subcommittee to Study

Mental Health Services in the Commonwealth in the Twenty-First Century, the House Committee on Appropriations, the House Committee on Courts of Justice, the Senate Committee on Finance, and the Senate Committee for Courts of Justice by November 1, 2019. (19104970D-S1)

SJ 301 (Deeds) (Agreed to by Senate; HRUL) continues the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century for two additional years, through December 1, 2021. (19103005D)

Child Protective Services

SB 1339 (Reeves) (Passed Senate; HAPP) makes numerous changes to the laws governing the provision of foster care services in the Commonwealth. Among other things, the bill (i) allows the Commissioner of Social Services to develop and implement a corrective action plan for or assume temporary control over the foster care services of a local board of social services upon determining that the local board (a) has failed to provide foster care services or make placement and removal decisions in accordance with applicable laws or regulations or (b) has taken any action that poses a substantial risk to the health, safety, or well-being of any child under its supervision and control; (ii) requires the Commissioner to create within the State Department of Social Services (the Department) a foster care health and safety director position; (iii) directs the Commissioner to establish and maintain a confidential hotline to receive reports and complaints from foster parents and other persons regarding violations of laws or regulations applicable to foster care and any other matters related to the health, safety, or well-being of children in foster care; (iv) directs the Department to develop and implement a more reliable, structured, and comprehensive case review and quality improvement process to monitor and improve foster care services provided by local boards and departments of social services; and (v) requires the Department to establish and update annually a caseload standard that limits the number of foster care cases that may be assigned to each foster care caseworker. The provisions of the bill are contingent on funding in a general appropriation act. (19102687D-E)

HB 1953 (Campbell, J.) (Approved by Governor)/**SB 1416** (Mason) (Passed Senate; HCT) provides that whenever an appeal of a finding by a local department of social services is made and a criminal investigation is also commenced against the appellant for the same conduct involving the same victim as investigated by the local department, the appeal process shall automatically be stayed until the criminal investigation is closed or, in the case of a criminal investigation that is not completed within 180 days of the appellant's request for an appeal, for 180 days. (HB1953ER, 19102940D)

SB 1435 (McClellan) (Passed Both Houses) allows the Commissioner of Social Services to issue an order of summary suspension of the license of any child welfare agency when conditions or practices exist that pose an immediate and substantial threat to the health, safety, and welfare of the children receiving care. The bill allows the Commissioner, in issuing an order of summary suspension, to suspend the license of the child welfare agency or to suspend only certain authority of the child welfare agency to operate, including the authority to provide certain services or perform certain functions that the Commissioner determines should be restricted or modified in order to protect the health, safety, or welfare of the children receiving care. The bill establishes notice, hearing, appeal, and posting requirements for such summary suspensions. The bill also

amends the summary suspension procedures for licensed assisted living facilities to align such procedures with the summary suspension procedures established in the bill for child welfare agencies. (19105294D-S1)

Tobacco Products

HB 2748 (Stolle) (Passed Both Houses)/**SB 1727** (Norment) (Passed Both Houses) increases the minimum age for persons prohibited from purchasing or possessing tobacco products, nicotine vapor products, and alternative nicotine products, and the minimum age for persons such products can be sold to, from 18 years of age to 21 years of age unless such person is an active duty military personnel. The bill also allows tobacco products, nicotine vapor products, and alternative nicotine products to be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to persons under 21 years of age. Under current law, tobacco products may be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to minors. (HB2748ER, SB1727ER)

Land Use

HB 2139 (Thomas) (Passed House; Reported from SLG) authorizes a locality to designate receiving areas or receiving properties that shall receive development rights only from certain sending areas or sending properties specified by the locality. The bill also authorizes a locality to provide for areas defined similarly to urban development areas in the ordinance relating to the transfer of development rights. Current law only authorizes inclusion of urban development areas. (19101605D)

HB 2420 (Bell, Richard P.) (Passed House; Reported from SLG) provides that a wall built on residential property shall be grandfathered as a valid nonconforming use, and the wall shall not be subject to removal solely due to such nonconformity, in any instance where (i) a residential property owner sought local government approval prior to 2008 for construction of a wall on the owner's property, (ii) the property owner was informed by a local official that such wall required no permit and that the structure would comply with the zoning ordinance, (iii) the wall was thereafter constructed, (iv) the locality subsequently informed the property owner that the wall was illegal, and (v) such a wall, had it been constructed as described in clauses (ii) and (iii) after 2017, would be considered a valid nonconforming use not subject to removal. (19100765D)

HB 2779 (Edmunds) (Passed House; Reported from SLG) increases from two to three for an enterprise zone designated on or after July 1, 2005, and from two to one for an enterprise zone designated prior to July 1, 2005, the number of times the Governor may renew a designation of an enterprise zone for an area upon recommendation of the Director of the Department of Housing and Community Development. (19106065D-H1)

Public Safety/Criminal Justice

HB 1911 (Peace) (Passed House; SFIN) makes a driver's failure to move into a nonadjacent lane on a highway with at least four lanes when approaching a stationary vehicle displaying flashing, blinking, or alternating blue, red, or amber lights, or, if changing lanes would be unreasonable or unsafe, to proceed with due caution and maintain a safe speed, reckless driving, which is punishable as a Class 1 misdemeanor. Under current law, a first such offense is a traffic infraction punishable by a fine of not more than \$250, and a second such offense is punishable as a Class 1 misdemeanor. (19106735D-S1)

HB 1941 (Bell, Robert B.) (Passed House; SFIN) increases from a Class 6 felony to a Class 4 felony the punishment for a person who, as a result of driving while intoxicated or operating a watercraft or motorboat while intoxicated in a manner so gross, wanton, and culpable as to show reckless disregard for human life, unintentionally causes the serious bodily injury of another person resulting in permanent and significant physical impairment. Creates a Class 6 felony for such driving or operation that unintentionally causes the serious bodily injury of another person. (19106787D-S1)

HB 2576 (Krizek) (Passed House; Passed Senate with Amendment) creates, within the Department of Criminal Justice Services, a Sex Trafficking Response Coordinator (the Coordinator) who shall (i) create a statewide plan for local and state agencies to identify and respond to victims of sex trafficking; (ii) coordinate the development of standards and guidelines for treatment programs for victims of sex trafficking; (iii) maintain a list of programs that provide treatment or specialized services to victims of sex trafficking and make such list available to law-enforcement agencies, attorneys for the Commonwealth, crime victim and witness assistance programs, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions; (iv) oversee the development of a curriculum to be completed by persons convicted of solicitation of prostitution; and (v) promote strategies for the awareness of sex trafficking, for education and training related to sex trafficking, and for the reduction of demand for commercial sex. The bill requires the Coordinator to report annually to the Governor and the General Assembly and include a summary of activities for the year and any recommendations to address sex trafficking within the Commonwealth. This bill is a recommendation of the Virginia State Crime Commission. (19104149D)

HB 2642 (Levine) (Passed House; SACNR) makes any violation relating to cruelty to an animal a Class 6 felony when such violation is carried out with the intent to coerce, intimidate, or harass a family or household member. (19106255D-H1)

Studies/Commissions

HB 2028 (Campbell, R.) (Passed House; SRUL) provides that when any legislative bill requiring the Department of Professional and Occupational Regulation to increase or begin regulation of an occupation is filed during any session of the General Assembly, the Board for Professional and Occupational Regulation shall prepare an evaluation of the legislation using criteria outlined in current law that the Board is required to use whenever the Board determines that a particular

occupation should be regulated or that a different degree of regulation should be imposed on a currently regulated occupation. (19101677D)

HB 2168 (Yancey) (Passed House; SRUL) establishes the legislative Commission on School Innovation, Modernization, and Competitiveness (the Commission), consisting of 22 members, including 12 legislative members, eight nonlegislative citizen members, and two ex officio members, to develop and oversee the implementation of a goal and strategic plan for (i) promoting and increasing public high school student participation in dual enrollment courses, industry certifications, and state licensure examinations, (ii) modernizing public elementary and secondary school buildings throughout the Commonwealth, (iii) achieving the Commonwealth's teacher compensation goal and (iv) ensuring high quality at the student and school division levels. The Commission sunsets on July 1, 2022. (19103878D-E)

HB 2321 (Peace) (Passed House; SRUL) creates the Gaming Study Commission to analyze the Commonwealth's existing gaming industry and proposals to expand gaming in Virginia, which include the following: (i) commercial casino gaming, (ii) in-person and online sports wagering, (iii) online and internet gaming, (iv) tribal gaming, (v) historical horse racing, and (vi) electronic devices approved by the Virginia Alcoholic Beverage Control Authority to be placed in establishments licensed by the Authority. The Commission must submit final recommendations to the General Assembly by November 1, 2019. The bill has an expiration date of January 1, 2020. (19106103D-EH1)

HB 2541 (Byron) (Passed House; Passed Senate with Substitute) extends the expiration of the Office of Telework Promotion and Broadband Assistance and the Broadband Advisory Council from July 1, 2019, to July 1, 2023, and alters and expands from 14 to 16 the membership of the Council. (19106718D-S1)

HB 2602 (Jones, S.C.) (Passed House; SRUL) establishes as an independent advisory board in state government an 11-member Consortium Comprehensive Cancer Center Advisory Board, consisting of the President of Virginia Commonwealth University or his designee, the Vice President for Health Sciences at Virginia Commonwealth University or his designee, the President of the University of Virginia or his designee, the Executive Vice President for Health Affairs at the University of Virginia or his designee, one representative of Eastern Virginia Medical School, one representative of Virginia Tech Carilion School of Medicine and Research Institute, and five other nonlegislative citizen members, to study the requirements for designation as a consortium Comprehensive Cancer Center by the National Cancer Institute and make recommendations to Virginia Commonwealth University and the University of Virginia relating to the process for establishing a joint National Cancer Institute-designated consortium Comprehensive Cancer Center, including recommendations relating to a joint leadership structure, research integration, and programmatic integration. The provisions of the bill sunset on July 1, 2022. (19101696D)

HB 2814 (Morefield) (Passed House; SRUL) extends the sunset date of the Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities from July 1, 2019, to July 1, 2021. (19106157D)

HJ 610 (Knight) (Agreed to by House; SRUL) requests the Secretary of Natural Resources to study the effects of wind tide flooding in the Southern Watershed. In conducting the study, the Secretary shall (i) coordinate with and provide resources to the City of Virginia Beach to assess the impacts of wind tide flooding in the Southern Watershed, (ii) research the viability of a range of solutions aimed at addressing the root causes and effects of wind tide flooding in the Southern Watershed, (iii) identify the time frames and economic costs of various solutions, and (iv) make recommendations for state action based on all relevant factors. (19101462D)

HJ 626 (Stolle) (Agreed to by House; SRUL) requests the Virginia Department of Health to take action to increase awareness of shingles and shingles prevention. (19101454D)

HJ 641 (Yancey) (Agreed to by House; SRUL) requests the Department of Health to evaluate and allow for stakeholder input on additional issues related to use of rainwater as part of the rulemaking process pursuant to a 2018 Act of Assembly, including (i) the conditions under which rainwater may appropriately be used and for what purposes; (ii) standards for the use of rainwater for human consumption; (iii) standards for rainwater harvesting systems, including systems that collect rainwater for human consumption and systems that collect rainwater for use by commercial enterprises but not human consumption; (iv) a requirement that buildings that draw water from both rainwater harvesting systems and public water supplies maintain appropriate cross-connection safeguards; and (v) training and certification requirements for installers of rainwater harvesting systems, including installers of rainwater harvesting systems installed in buildings that draw water from both rainwater harvesting systems and public water supplies. The Department is also requested to provide an update on the status of the rulemaking process to the General Assembly by November 1, 2019. (19103885D)

HJ 662 (Stolle) (Agreed to by House; SRUL) directs the Joint Commission on Health Care to study the dispensing of drugs and devices pursuant to prescriptions, pharmacy collaborative practice agreements, standing orders, and statewide protocols in the Commonwealth, including a review of the roles and responsibilities of pharmacists and other health care providers prescribing, dispensing, and administering drugs and devices in accordance with laws and regulations. (19104412D-H1)

HJ 674 (Torian) (Agreed to by House; SRUL) requests the Department of Veterans Services and the Department of Taxation (the Agencies) to convene a joint working group to study the feasibility of exempting military retirement income from taxation. Under current law, military retirement income is tax-exempt only for recipients of the Congressional Medal of Honor. The Agencies are directed to consider potential revenue losses, the effects of phasing in the exemption over different time frames, the positive effects for Virginia's current population of veterans, and the impact on the Commonwealth's competitiveness as a desirable state of residence for veterans compared with other states. (19102046D)

HJ 677 (Rush) (Agreed to by House; SRUL) establishes a 21-member joint subcommittee to identify blockchain technology research and economic development opportunities with the goal of creating a statewide, comprehensive, and coordinated strategy relating to blockchain technology. In conducting its study, the joint subcommittee shall analyze and consider (i) economic development opportunities in the Commonwealth available through the utilization of blockchain

technology; (ii) different types of blockchain technology and the feasibility of economic development for each type; (iii) the creation of a statewide, comprehensive, coordinated strategy to encourage commercial activity in the blockchain technology sector; (iv) opportunities for deployment of blockchain technology in state government; and (v) strategies to incentivize the development of blockchain companies in the Commonwealth. The joint subcommittee shall submit its report to the Governor and the 2020 and 2021 Regular Sessions of the General Assembly. (19103191D)

HJ 687 (Keam) (Agreed to by House; SRUL) requests that the Office of the Executive Secretary of the Virginia Supreme Court study options and models for a tax court system in the Commonwealth, including the tax court systems of other states, as well as options and models provided by research organizations. The Office of the Executive Secretary shall report its findings to the members of the General Assembly by the first day of the 2020 Regular Session. (19103680D)

SB 1097 (Marsden) (Passed Senate; HRUL) extends the sunset of the Commission on Civic Education from July 1, 2019, to July 1, 2020. (19101827D-E)

SB 1142 (Favola) (Passed Senate; HRUL) requires the Board of Education to establish the State School Health Advisory Committee, consisting of no more than 20 nonlegislative citizen members, to advise the Board, the Governor, and the General Assembly on (i) the role of employees in public elementary or secondary schools in providing health care services at such schools and (ii) the need for any training associated with delivery of health care services. (19100754D)

SB 1152 (DeSteph) (Passed Senate; HRUL) increases from two to four the number of consecutive four-year terms a nonlegislative citizen member is allowed to serve on the Chesapeake Bay Restoration Fund Advisory Committee (the Committee), which oversees the distribution of funds raised by the sale of Friend of the Chesapeake license plates. The bill provides that the two citizen members of the Committee who are appointed by the Senate Committee on Rules, both of whose terms expire on July 1, 2019, shall have their terms extended until July 1, 2020, and July 1, 2021, respectively. One of the two members appointed by the Speaker of the House of Delegates shall have the expiration of his term extended from July 1, 2019, until July 1, 2022. Such extensions shall not constitute a term in determining each member's eligibility for reappointment under the limit of four consecutive terms provided by the bill. (19102314D)

SB 1618 (Edwards) (Passed Senate; HRUL) Increases from 14 to 17 the total membership of the Broadband Advisory Council by adding a member of the Senate and two additional nonlegislative members, one to represent a wireless service authority and one to represent the Virginia, Maryland and Delaware Association of Electric Cooperatives. (19106370D-S1)

SB 1644 (Boysko) (Passed Senate; HRUL) directs the Department of Behavioral Health and Developmental Services (DBHDS) to convene a work group to study the issue of and develop a plan for sharing protected health information of individuals with mental health treatment needs who have been confined to a local or regional jail in the Commonwealth and who have previously received mental health treatment from a community services board or behavioral health authority in the Commonwealth. The bill requires DBHDS to report by October 1, 2019, to the Governor

and the General Assembly on (i) development of the plan, (ii) the content of the plan, and (iii) the steps necessary to implement the plan, including any statutory or regulatory changes and any necessary appropriations. (19104532D-E)

SJ 309 (DeSteph) (Agreed to by Senate; HRUL) requests the Virginia Marine Resources Commission to study the feasibility of creating protection zones for submarine fiber optic cables located along Virginia's shores. (19103454D)

SJ 311 (Boysko) (Agreed to by Senate; HRUL) requests the Department of Housing and Community Development to study the permitting processes in the Commonwealth for broadband deployment and renewable energy construction projects. (19104542D)

Taxation

HB 2540 (Byron) (Conference Committee) applies the reduced state sales and use tax rate of 1.5%, which under current law applies only to food purchased for human consumption, to essential personal hygiene products, defined in the bill as (i) nondurable incontinence products such as diapers, disposable undergarments, pads, and bed sheets; and (ii) menstrual cups and pads, pantyliners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow. The bill has a delayed effective date of January 1, 2020. (19100843D-E)

SB 1715 (Boysko) (Conference Committee) exempts menstrual supplies, specifically pads, tampons, and menstrual cups, from sales and use tax. The bill has a delayed effective date of July 1, 2020, and is contingent on funding in a general appropriation act. (19106474D-H1)

Transportation

HB 2441 (Wilt) (Passed Both Houses) requires the Department of Motor Vehicles to issue a special identification card without a photograph to a person with a sincerely held religious belief prohibiting the taking of a photograph who would otherwise meet the qualifications for a special identification card but also presents an approved and signed IRS Form 4029. The bill allows a special identification card without a photograph to be similar in size, shape, and design to a driver's license but requires (i) that it be clearly distinguishable from a driver's license, (ii) that it not include a photograph of its holder, and (iii) that it clearly state that (a) the card does not authorize the holder to operate a motor vehicle, (b) federal limits apply, and (c) the card is not valid identification to vote. The bill provides that giving false information, concealing a material fact, or otherwise committing a fraud in applying for a special identification card without a photograph is guilty of a Class 2 misdemeanor and that obtaining a special identification card without a photograph for the purpose of committing any offense punishable as a felony constitutes a Class 4 felony. The bill contains technical amendments. This bill is the result of a study conducted by the Department of Motor Vehicles. (19100181D-E)

HB 2489 (Jones, J.C.) (Passed House; Reported from STRAN) requires the Commissioner of Highways to temporarily suspend toll collection operations in affected evacuation zones on routes designated as mass evacuation routes during any mandatory evacuation during a state of

emergency. Current law authorizes the Commissioner, in his discretion, to temporarily suspend toll collection operations in cases of emergency and concern for public safety. (19106042D-H1)

HB 2737 (Bagby) (Passed House; Reported from STRAN) directs the Department of Rail and Public Transportation to evaluate the placement and maintenance of highway signs to (i) indicate the presence and direction of nearby Amtrak or intercity passenger rail stations and (ii) promote the use of such services. The bill further directs the Department to evaluate the cost and potential funding sources for such signs and to report its findings to the Secretary of Transportation and the Chairmen of the House and Senate Committees on Transportation by December 1, 2019. (19105620D-H1)

HB 2800 (Garrett) (Passed House; Reported from STRAN)/**SB 1775** (Carrico) (Passed Senate; Passed House with Amendment) requires the Commissioner of Highways to report annually by December 1 to the Governor, the General Assembly, and the Commonwealth Transportation Board regarding overweight trucks. The bill expires on January 1, 2021. (19105145D-E, 19104683D-E)

HJ 581 (Cole) (Agreed to by House; SRUL)/**SJ 276** (Reeves) (Agreed to by Senate; HRUL) requests the Commonwealth Transportation Board to study the portion of the Interstate 95 corridor between Exit 118 and the Springfield Interchange and financing options for improvements to the corridor. (19100237D, 19102700D-E)

SB 1510 (Carrico) (Passed Senate; Reported from HTRAN) provides that only towing requests made by local law-enforcement officers are subject to local ordinances regulating towing services for unattended, abandoned, or immobile vehicles. (19101888D-E)

SB 1126 (Lucas) (Conference Committee) authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). The bill specifies the licensing requirements for casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. Casino gaming shall be limited to certain cities that meet the criteria that is outlined in the bill, and a referendum must be passed in the city on the question of allowing casino gaming in the city. The referendum must be adopted prior to January 1, 2021. The bill imposes a tax ranging from 13 to 15 percent of the adjusted gross receipts of licensees, based upon a licensee's annual adjusted gross receipts, and provides for how the tax proceeds are disbursed. The bill requires the Board to establish and implement a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill also establishes the Problem Gambling Treatment and Support Fund administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to support organizations that provide assistance to compulsive gamblers. The bill requires the Joint Legislative Audit and Review Commission to report no later than November 1, 2019, regarding recommendations for casino gaming in the Commonwealth. The bill includes a reenactment clause for the referenda provisions of the bill. (19106846D-H1)

SB 1574 (Norment) (Passed Senate; HAPP) creates a revenue sharing program, if gaming is authorized in the Commonwealth, that would require the owner or operator of any gaming establishment to share a percentage of its adjusted gross receipts with the Commonwealth, ranging from 13 to 15 percent based on its annual adjusted gross receipts. The revenues would be distributed as follows: 30 percent to transportation initiatives, with one-third allocated to projects in the Interstate 81 corridor, one-third allocated to the Northern Virginia Transportation Authority Fund, and one-third allocated to the Hampton Roads Transportation Fund; 30 percent to school construction and modernization; 10 percent to support increases in teacher pay; 10 percent to support initiatives related to higher education affordability; 10 to the locality in which the revenues were collected; nine percent to support the marketing and promotion of tourism destinations, and one percent to used to prevent and treat gambling addictions. (19105363D-S1)

Transportation Funding/Allocation

HB 2527 (Hugo) (Passed House; Reported from STRAN) prohibits the imposition and collection of tolls on any primary highway that is wholly located in Planning District 8 and that was previously classified as a secondary highway and is between 30 and 35 miles in length without prior approval by the General Assembly. (19102826D-E)

HB 2718 (Landes) (Conference Committee) creates the Interstate 81 Corridor Improvement Fund. Any revenues deposited in the Fund would be allocated for improvements to the Interstate 81 Corridor. The bill also directs the Commonwealth Transportation Board (Board) would develop and update, in consultation with an Interstate 81 Committee (Committee) established by the bill, to develop an Interstate 81 Corridor Improvement Program. The Committee is also directed to review the Interstate 81 Corridor Improvement Plan adopted by the Board in December, 2018, as it relates to funding options and make recommendations to the Governor and the General Assembly regarding funding recommendations and prioritization of projects. (19106831D-S1)

SB 1716 (Obenshain) (Conference Committee) creates the Interstate 81 Corridor Improvement Fund. Any revenues deposited in the Fund would be allocated for improvements to the Interstate 81 Corridor. The bill also directs the Commonwealth Transportation Board (Board) would develop and update, in consultation with an Interstate 81 Committee (Committee) established by the bill, to develop an Interstate 81 Corridor Improvement Program. The Committee is also directed to review the Interstate 81 Corridor Improvement Plan adopted by the Board in December, 2018, as it relates to funding options and make recommendations to the Governor and the General Assembly regarding funding recommendations and prioritization of projects. (19106780D-H1)