

Specific Legislation and Legislation Provided for Discussion
Board of Supervisors Legislative Committee
February 21, 2020

Specific Legislation

Historical Positions of the Board

SUPPORT

SB 588 (Hanger) (Passed Senate; Reported from HFIN) modifies the restrictions that currently apply to county admission, cigarette, food and beverage, and transient occupancy taxes. The bill authorizes all counties to tax cigarettes at up to 40 cents per pack. The bill limits the cigarette tax rate of cities and towns to 40 cents per pack or the rate in effect on January 1, 2020, whichever is greater. Under current law, there is no limit on the cigarette tax rate that may be imposed by a city or town. The bill authorizes all counties, except the counties of James City and York, to impose an admissions tax at a rate of up to ten percent. Under current law, only certain counties may impose an admissions tax, and the rate generally is capped at 10 percent. The bill authorizes all counties to impose a food and beverage tax (commonly referred to as the meals tax) at a rate of up to six percent. Under current law, counties are limited to a four percent rate. The bill removes the requirement that a county hold a referendum before imposing a meals tax. However, if a county held a meals tax referendum that failed within the past two years, it would be prohibited from imposing a tax by ordinance until July 1, 2022. The bill authorizes all counties to impose a transient occupancy tax at a rate of up to five percent; however, if a county currently imposes the tax at a higher rate, it may continue to impose the tax at that rate. Under current law, counties generally are limited to a maximum rate of two percent, although certain counties may impose the tax at higher rates. The bill directs the Division of Legislative Services to convene a work group to develop recommendations as to any additional legislative changes that may be needed to effectuate the provisions of the bill. The bill also directs the Division to study the different legal authorities and requirements that apply to cities and counties that are not related to taxation. The bill directs the Department of Taxation to convene a workgroup to study modernizing the cigarette tax stamping process and unifying it so that it would be administered only at the state level. The bill has a delayed effective date of July 1, 2021, and incorporates SB 484, SB 921, SB 682, and SB 799. Recommend support; Board has historically supported. (20108310D-H1)

New Bills – 2020 GA

Miscellaneous

HB 854 (Murphy) (Passed House; SRUL) requests the Department of Housing and Community Development and the Virginia Housing and Development Authority to convene a stakeholder advisory group to (i) determine the quantity and quality of affordable housing across the Commonwealth, (ii) conduct a review of current programs and policies to determine the effectiveness of current housing policy efforts, (iii) develop an informed projection of future housing needs in the Commonwealth and determine the order of priority of those needs, and (iv) make recommendations for the improvement of housing policy in the Commonwealth. Recommend support. (20107775D-H1)

HB 1222 (Tran) (Passed House; Reported from SJUD) allows expired state issued driver's licenses or state issued identification cards and expired passports to be used as a means of identification for notarial purposes for individuals residing in nursing homes or assisted living facilities, provided such expired documents expired within five years of the date of use for such identification purposes. Recommend support. (20104149D)

HB 1288 (Murphy) (Passed House; SJUD) prohibits a person who has been convicted of stalking, sexual battery, assault and battery of a family or household member, or assault and battery when the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color, or national origin from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crime may petition the circuit court for a reinstatement of his right to possess or transport a firearm and the factors a court shall consider in determining such reinstatement. This bill incorporated HB 78, HB 900, and HB 459. Recommend support. (20107549D-H1)

HB 1587 (Hope) (Passed House; Senate Floor) allows ratings by Fitch Ratings to be used for determining whether certain investments are permissible for public funds. Under current law, only ratings by Standard & Poor's or Moody's Investors Service may be used. The bill contains technical amendments, including the removal of obsolete references to ratings by Duff & Phelps. Recommend support. (20107152D-H1)

SB 735 (Newman) (Passed Senate; HAPP) establishes insurance, taxation, recordkeeping, disclosure, and safety recall requirements for peer-to-peer vehicle sharing platforms, defined in the bill. Recommend monitor. (20108534D-H1)

Elections

HB 19 (Lindsey) (Passed House; Senate Floor) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any

institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid student identification card issued by any institution of higher education located in any other state or territory of the United States; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill also provides that the expiration date on a Virginia driver's license is not considered when determining the validity of a driver's license offered for voter identification purposes. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. Recommend support. (20108329D-S1)

SB 65 (Locke) (Passed Senate; HPE) permits a voter who does not show one of the required forms of identification when offering to vote to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters subject to the federal Help America Vote Act of 2002. Recommend support. (20108457D-H1)

Health and Human Services

SB 668 (Boysko) (Passed Senate; HHWI) requires certain child care providers and employees or volunteers thereof to submit to background checks that include a criminal history record information check and sex offender registry check in any state in which the applicant has resided in the preceding five years. Recommend support. (20102503D)

SB 739 (Deeds) (Passed Senate; House Floor) directs the Department of Behavioral Health and Developmental Services to establish a work group to evaluate the role of, and make recommendations related to improving the structure and effectiveness of the, psychiatric bed registry. The work group shall report its findings, conclusions, and recommendations to the Governor and the Chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century by November 1, 2020. Recommend support. (20106120D-S1)

SB 903 (Vogel) (Passed Senate; HHWI) requires the Board of Health to amend regulations governing hospitals to require each hospital with an emergency department to establish a protocol for treatment of individuals experiencing a substance use-related emergency to include the completion of appropriate assessments or screenings to identify medical interventions necessary

for the treatment of the individual in the emergency department. The protocol may also include a process for patients that are discharged directly from the emergency department for the recommendation of follow-up care following discharge for any identified substance use disorder, depression, or mental health disorder, as appropriate, which may include instructions for distribution of naloxone, referrals to peer recovery specialists and community-based providers of behavioral health services, or referrals for pharmacotherapy for treatment of drug or alcohol dependence or mental health diagnoses. Recommend support. (20106163D-S1)

SB 391 (McPike) (Passed Senate; HHWI) requires financial institutions to report to the local department of social services or the adult protective services hotline within five business days any refusal to execute a transaction, delay of a transaction, or refusal to disburse funds based on a good faith belief that such transaction or disbursement may involve financial exploitation of an adult. Recommend support. (20107209D-S1)

Legislation Provided for Discussion

Transportation

HB 1414 (Filler-Corn) (Passed House; SFIN) amends numerous law related to transportation funds, revenue sources, construction, and safety programs. The bill adopts numerous structural changes to the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to subfunds established to meet the varying transportation needs of different modes of transportation. The bill contains transitional provisions phasing in the new funding structure over a period of four years. The existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. A rate of \$0.282 per gallon of gasoline will be phased in over three years, and then indexed every year thereafter. The regional gas tax will be converted to a rate of \$0.076 per gallon of gasoline. Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles will implement a Highway Use Fee for alternative fuel and fuel efficient vehicles. Alternatively, a person whose vehicles would be subject to this new fee may elect to instead enroll in a mileage-based user fee program to be developed by the Department. In Northern Virginia, the regional transportation improvement fee, used to support WMATA, is lowered to \$0.10 per \$100 for the recordation of conveyance of a deeds. A new regional congestion fee is imposed at a rate of \$0.15 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from \$2 to \$3. The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System, and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors. The bill establishes a new Virginia Passenger Rail Authority. The bill adopts several safety initiatives, including: (i) making it illegal to possess an open container of alcohol in a motor vehicle, (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense, (iii) prohibiting the use of handheld personal communication devices, (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine, and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. The Commissioner of the Department of Motor Vehicles will establish an advisory committee to oversee education and enforcement of policies such as the seatbelt and hands-free provisions. The bill changes the requirement for a vehicle inspection from once every 12 months to once every 24 months. The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Statewide Special Structures Program, and a Transit Incentive Program. (20107735D-H2)

SB 890 (Saslaw) (Passed Senate; HAPP) amends numerous law related to transportation funds, revenue sources, construction, and safety programs. The bill adopts numerous structural changes to the transportation funding system in the Commonwealth. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on codified formulas, to subfunds established to meet the varying transportation needs of different modes of transportation. The bill contains transitional provisions phasing in the new funding structure over a period of four years. The

existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. A rate of \$0.242 per gallon of gasoline will be phased in over two years, and then indexed every year thereafter. The regional gas tax will be converted to a rate of \$0.076 per gallon of gasoline. The regional gas tax will be imposed in all counties and cities in the Commonwealth not currently paying a regional gas tax. The Department of Motor Vehicles will implement a Highway Use Fee for alternative fuel and fuel efficient vehicles. Alternatively, a person whose vehicles would be subject to this new fee may elect to instead enroll in a mileage-based user fee program to be developed by the Department. In Northern Virginia, the regional transportation improvement fee, used to support WMATA, is lowered to \$0.10 per \$100 for the recordation of conveyance of a deeds. A new regional congestion fee is imposed at a rate of \$0.10 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from \$2 to \$3. The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System, and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors. The bill establishes a new Virginia Passenger Rail Authority. The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Robert O. Norris Bridge and Statewide Special Structures Program, and a Transit Incentive Program. (20108058D-S2)

HB 729 (Watts) (Passed House; SFIN) reduces the existing grantor's tax that is placed on jurisdictions that are members of Northern Virginia Transportation Commission (NVTC) and separately to the Northern Virginia non-NVTC jurisdictions (from \$.15/ \$100 valuation to \$.10/\$100 valuation). Separately imposes grantor's tax that is placed on jurisdictions that are members of Northern Virginia Transportation Authority (NVTA) to \$.10/\$100 valuation to be deposited in the Northern Virginia Transportation Authority Fund. Increases the transient occupancy tax for NVTA jurisdictions (from 2 percent to 3 percent). For funding raised in NVTC-jurisdictions, funding would be provided to the WMATA Capital Fund. In Northern Virginia non-NVTC jurisdictions, two-thirds of the revenue collected pursuant to this section shall be used only for public transportation purposes, and the remaining revenue may be used for any transportation purpose. Dedicates \$40 million of existing state recordation taxes that are no longer needed for debt service on existing transportation bonds. (20108032D-H2)

HB 1439 (Jones) (Passed House; SFIN) adopts several initiatives related to transportation and safety, including (i) making it illegal to possess an open container of alcohol in a motor vehicle; (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense; (iii) prohibiting the use of handheld personal communication devices; (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine; and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. The bill directs the Commissioner of the Department of Motor Vehicles to establish an advisory committee to oversee education and training materials and implementation and enforcement of policies such as the bill's safety belt and handheld personal communications device provisions. The bill decreases the frequency of vehicle inspections from every 12 months to every 24 months. The bill contains numerous technical amendments. (20107985D-H2)

SB 907 (Lucas) (Passed Senate; Reported from HTRAN) requires all passengers in a vehicle to wear safety belts and allows localities to lower the speed limit below 25, but not less than 15, miles per hour in business and residential districts. (20108056D-S1)

Collective Bargaining

HB 582 (Guzman) (Passed House; SCL) repeals the existing prohibition on collective bargaining by public employees. The measure creates the Public Employee Relations Board, which will determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The measure requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The measure repeals a provision enacted in 2013 that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement. (20106939D-EH1)

SB 939 (Saslaw) (Passed Senate; HLC) permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. The bill provides that prohibition against striking for public employees applies irrespective of any such local ordinance. (20107464D-S1)

Marijuana Decriminalization

HB 972 (Herring) (Passed House; SFIN) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$25. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that any violation of simple possession of marijuana shall be charged by a summons in form the same as the uniform summons for motor vehicle law violations and that no court costs shall be assessed for such violations. The bill also provides that a person's criminal history record information shall not include records of any charges or judgments for such violations and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. Additionally, the bill provides that the suspended sentence/substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill defines "marijuana" to include hashish oil and creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use. Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 1, 2021. (20108635D-S1)

SB 2 (Ebbin) (Passed Senate; HAPP) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$25. Current law imposes a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that any violation of simple possession of marijuana shall be charged by a summons in form the same as the uniform summons for motor vehicle law violations and that no court costs shall be assessed for such violations. The bill also provides that a person's criminal history record information shall not include records of any charges or judgments for such violations and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange. Additionally, the bill provides that the suspended sentence/substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill defines "marijuana" to include hashish oil and creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use. The bill also (i) makes records relating to the arrest, criminal charge, or conviction of possession of marijuana not open to public inspection and disclosure, except in certain circumstances; (ii) prohibits employers and educational institutions from requiring an applicant for employment or admission to disclose information related to such arrest, criminal charge, or conviction; and (iii) prohibits agencies, officials, and employees of the state and local governments from requiring an applicant for a license, permit, registration, or governmental service to disclose information concerning such arrest, criminal charge, or conviction. Finally, the bill requires the Secretaries of Agriculture and Forestry, Finance, Health and Human Resources, and Public Safety and Homeland Security to convene a work group to study the impact on the Commonwealth of legalizing the sale and personal use of marijuana and report the recommendations of the work group to the General Assembly and the Governor by November 1, 2021. (20108640D-H1)

Elections

HB 761 (VanValkenburg) (Passed House; SPE) requires the governing body of a covered jurisdiction, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, to either (i) institute an action in the circuit court for the jurisdiction for a declaratory judgment that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language minority group nor will it result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise or (ii) submit such covered practice to the Office of the Attorney General for issuance of a certification that no objection exists to the enactment or administration by the covered jurisdiction of the covered practice. A covered practice cannot be given effect until the circuit court has entered such judgement or the Attorney General has issued such certification. The bill provides to a covered jurisdiction the right to appeal an objection by the Attorney General and to an aggrieved citizen the right to appeal the Attorney General's issuance of a certification of no objection. A "covered jurisdiction" is defined to mean any county, city, or town that is determined by the Attorney General to have a voting age population that contains two or more racial or ethnic groups, each constituting at least 20 percent of its voting age population. The bill also defines "covered practice." (20106652D-H1)