

Specific Legislation and Legislation Provided for Discussion
Board of Supervisors Legislative Committee
February 28, 2020

Specific Legislation

New Bills – 2020 GA

HB 833 (Carroll Foy) (Passed Both Chambers) requires contractors and subcontractors under any public contract with a state agency, or with a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. Recommend support. (20107486D-H1)

HB 1442 (Jones) (Passed Both Chambers) authorizes law-enforcement agencies and localities to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and that such photo speed monitoring devices are used in the area. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail, the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred if the summons is issued by a local law-enforcement officer and paid to the Department of State Police if the summons is issued by a law-enforcement officer employed by the Department of State Police. This bill incorporates HB 621 and HB1721. Recommend support. (20108777D-S1)

Firearms

HB 600 (Hope) (Senate Substitute Rejected by House) requires that during the hours of operation of a family day home, all firearms be stored unloaded in a locked container, compartment, or

cabinet and that ammunition be stored in a separate locked container, compartment, or cabinet. Recommend support. (20102002D)

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

Legislation Provided for Discussion

Animals

SB 303 (Stanley) (Passed Senate; Reported from HAG) prohibits any dealer or commercial dog breeder from importing for sale, selling, or offering for sale any dog bred by a person who has received certain citations pursuant to enforcement of the federal Animal Welfare Act. A violation is a Class 1 misdemeanor. (20100785D)

SB 742 (McPike) (Passed Senate; Reported from HAG) prohibits the rental or lease of a dog or cat to a consumer, including by a purported sale of the animal in a manner that vests less than full equity in the consumer at the time of the purported sale. The bill prohibits the sale of a dog or cat in which the animal is subject to repossession upon default of the agreement and prohibits any financial institution from offering a loan for which the animal is subject to repossession upon default of the loan. The bill provides that the Attorney General may bring a civil action to enforce the bill's provisions and that a violator may be subject to a civil penalty of not more than \$2,500. A pet shop, commercial dog breeder, dealer, or other business that violates the provisions of the bill also may have its business license, retail license, or local pet shop permit suspended or revoked after a hearing by the issuing authority. The bill exempts certain animals from its prohibitions, including purebred dogs leased for breeding; dogs or cats used in spectator events, motion pictures, racing, or other entertainment; and service dogs, guide or leader dogs, security dogs, law-enforcement dogs, military working dogs, and certified facility dogs. The bill has a delayed effective date of January 1, 2021. (20103159D-E)

SB 114 (Marsden) (Passed Senate; Reported from HAG) subjects certain animal care statutes to enforcement under the Virginia Consumer Protection Act (§ 59.1-196 et seq.). These statutes relate to the posting of information about dogs, and written notice of consumer remedies required to be provided by pet shops, pet dealers, and animal boarding establishments. (20105940D-S1)

Digital Devices in Schools

HB 817 (Hope) (Passed Both Chambers) requires the Department of Education, in collaboration with the Department of Health and medical professional societies, to develop and implement health and safety best practice guidelines for the use of digital devices in public schools no later than the 2021-2022 school year. (20104624D-E)

Monuments/Memorials

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

SB 183 (Locke) (Passed Senate; HCCT) provides that a locality may remove, relocate, contextualize, cover, or alter any monument or memorial for war veterans located in its public

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

School Incident Reports

HB 257 (Mullin) (Passed Both Chambers)/**SB 729** (McClellan) (Passed Both Chambers) eliminates the requirement that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense. (HB257ER, SB729ER)