

Specific Legislation and Legislation Provided for Discussion
Board of Supervisors Legislative Committee
January 31, 2020

Specific Legislation

Historical Positions of the Board

SUPPORT

HB 1004 (Mullin) (House Floor)/**SB 479** (Howell) (Passed Senate) prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that any person who fails to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms is guilty of a Class 1 misdemeanor. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is the subject to a permanent protective order. Recommend support; Board has historically supported. (20106626D-H1, 20106476D-S1)

New Bills – 2020 GA

Miscellaneous

HB 322 (Ayala) (HAPP) creates the Cybersecurity Advisory Council to (i) assist the Chief Information Officer (CIO) of the Virginia Information Technologies Agency with the development of policies, standards, and guidelines for assessing security risks, determining appropriate security measures, and performing security audits of government electronic information; (ii) make recommendations to the CIO regarding strategies to strengthen the Commonwealth's cybersecurity; and (iii) analyze and investigate breaches of the information technology security of any independent agency or any agency or other entity within the executive branch, legislative branch, or judicial branch of state government. The bill requires the Council to submit an annual report to the Governor and the General Assembly. Recommend amend to include local representation. (20100246D)

HB 598 (Murphy) (Passed House)/**SB 212** (Favola) (Passed Senate) creates an annual mixed beverage performing arts facility license that (i) may be granted to persons operating food concessions at any performing arts facility located in Fairfax County, provided that the performing arts facility (a) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than one year and (b) has a total capacity in excess of 1,400 patrons and (ii) authorizes the licensee to sell, on the dates of performances or events, alcoholic beverages for on-premises consumption. Recommend support. (20104949D-E, 20102017D-E)

SB 34 (Surovell) (SFIN) removes the citizenship and legal presence requirements for obtaining a driver's license or special identification card. The bill requires the Department of Motor Vehicles to cancel any (i) REAL ID-compliant driver's license or special identification card and (ii) commercial driver's license or commercial learner's permit if the Department is notified by a federal agency that the individual to whom such document was issued is not in compliance with the citizenship and lawful residency requirements for such license, card, or permit. The bill has a delayed effective date of October 2, 2020, and contains technical amendments. Recommend support. (20100564D)

Elections

HB 1210 (Tran) (HPE) requires the State Board of Elections to prescribe, and a covered locality to provide, voting and election materials in languages other than English. A county, city, or town is designated by the State Board as a covered locality if the State Board determines, in consultation with the Director of the Census, based on the 2010 American Community Survey census data and subsequent American Community Survey data in five-year increments, or comparable census data, that (i) either (a) more than five percent of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; (b) more than 10,000 of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; or (c) in the case of a county, city, or town containing all or any part of an Indian reservation, more than five percent of the American Indian citizens of voting age within the Indian reservation are

members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process and (ii) the illiteracy rate of the citizens of the language minority as a group is higher than the national illiteracy rate. The bill also allows the State Board to make available voting and election materials in any additional languages other than those required as it deems necessary and appropriate. The State Board may accept voting and election materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available to a county, city, or town, or any voter. Recommend support with amendments to clarify that a covered locality/language is based on designation by federal law, clarify the materials and format required, and require that the Department of Elections upgrade VERIS to include functionality to facilitate implementation. (20103702D)

Voter Registration

HB 201 (Ayala) (HPE) provides that any person who is qualified to register to vote shall be entitled to register in person up to and including the day of the election at the office of the general registrar in the locality in which such person resides or at the polling place for the precinct in which such person resides. This bill has a delayed effective date of October 1, 2022. Recommend support with adequate state funding for implementation. (20103011D)

Environment and Energy

HB 1192 (Lopez) (HCT)/**SB 626** (Surovell) (SACNR) directs the State Water Control Board to regulate aboveground storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees. The bill authorizes the Board to undertake corrective action, or to require the owner to undertake corrective action, in the event of a discharge of a hazardous substance. The bill requires tank owners to register their tanks, pay certain registration fees, develop release response plans, upgrade certain older tanks, install containment infrastructure for certain aboveground storage tanks, notify certain parties in the event of a release of a regulated substance, and demonstrate their financial responsibility. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund for the administration of the bill and provides for civil and criminal penalties for violations of requirements of the bill, with the moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund. Recommend oppose. (20105199D, 20104897D)

SB 747 (Hanger) (SACNR) limits certain transfers of nonpoint nutrient credits to those credits generated by the private sector. The bill provides that while any locality may, without the involvement of a third party, generate its own nutrient or sediment credits and request that such credits be certified by the Department of Environmental Quality, such certifications shall only be used for the purpose of determining whether the project complies with credit generation requirements. Recommend oppose. (20103284D)

SB 1007 (Reeves) (SACNR) directs the Water Control Board to adopt regulations that require that along-term maintenance agreement for any best management practice that is a wet pond provide for inspections no more frequently than every five years. Recommend oppose. (20105334D)

Firearms

SB 593 (Hanger) (SRSS) requires that all firearms in a licensed family day home be stored unloaded in a locked container, compartment, or cabinet. The bill also requires that, during the family day home's hours of operation, ammunition be stored separate from all firearms in a locked container, compartment, or cabinet. Recommend support. (20101435D)

Health and Human Services

HB 650 (Hope) (HHWI)/**SB 566** (Edwards) (SEH) provides that a person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, provided the administration is in good faith and absent gross negligence or willful and wanton misconduct. Recommend support. (20104901D, 20104900D)

HB 860 (Bell) (Passed House; SEH) provides that a prescriber may authorize pursuant to a written order or standing protocol issued within the course of the prescriber's professional practice, and with the consent of the student's parents, an employee of (i) a school board, (ii) a school for students with disabilities, or (iii) an accredited private school who is trained in the administration or supervision of self-administered inhaled asthma medications to administer or supervise the self-administration of such medication to a student diagnosed with a condition requiring inhaled asthma medications when the student is believed to be experiencing or about to experience an asthmatic crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication. Recommend monitor. (20105551D-H1)

HB 902 (Sickles) (HAPP)/**SB 902** (Barker) (SEH) provides that every individual who applies for community or institutional long-term care services and supports as defined in the state plan for medical assistance services may choose to receive services in a community or institutional setting and may choose the setting and provider of long-term care services and supports from a list of approved providers. The bill also clarifies requirements related to the performance of such long-term care services and supports screenings. Recommend monitor. (20104848D, 20104850D)

SB 570 (Mason) (SFIN) creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children in foster care. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also expands eligibility for the Federal-Funded Kinship Guardianship Assistance program by allowing payments to be made to fictive kin who receive custody of a child of whom they have been the foster parent. Recommend support. (20105861D-S1)

SB 585 (Dunnivant) (SJUD) creates the Supported Decision-Making Act, which allows an adult with an intellectual or developmental disability to enter into an agreement with another person, called a "supporter," for the purposes of having the supporter assist the adult in making decisions to manage his affairs, giving adults who need assistance a less restrictive means of receiving such

assistance than being appointed a guardian or conservator by a court. The bill further requires a guardian ad litem in a proceeding for the appointment of a guardian or conservator to consider whether a less restrictive alternative, including the use of an advance directive or durable power of attorney, is available to provide assistance to the respondent, and it requires the guardian ad litem to include in his report to the court information as to whether a supported decision-making agreement is a viable option in lieu of guardianship or conservatorship. The bill also provides that if the respondent to a guardianship or conservatorship petition is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP), the guardian ad litem appointed to represent the respondent shall review the IEP and include the results of his review in the report required to be submitted to the court, and it requires the Superintendent of Public Instruction to prepare transitional materials, including information about supported decision-making agreements and guardianship to be provided to students and parents during the student's annual IEP meeting. The bill requires the court, upon appointment of a guardian or conservator, to inform such person of his duties and that the respondent should be encouraged to participate in decisions, act on his own behalf, and develop or maintain the capacity to manage his personal affairs if he retains any decision-making rights. Finally, the bill sets out specific language to be included in all orders of appointment of a guardian. This bill is a recommendation of the Joint Commission on Health Care. Recommend monitor. (20103126D)

SB 678 (Mason) (SRSS) allows requests for and responses to searches of the central registry of founded complaints of child abuse and neglect maintained by the Department of Social Services to be sent electronically. Recommend support. (20103026D)

SB 706 (Obenshain) (SRSS) changes the name of sex trafficking assessments to human trafficking assessments and allows local departments of social services conducting such human trafficking assessments to interview the alleged child victim or his siblings without the consent and outside the presence of such child's or siblings' parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel. This bill is a recommendation of the Virginia State Crime Commission. Recommend support. (20105034D)

SB 1046 (Deeds) (SEH) adds clinical social workers to the list of eligible providers that includes treating physicians and clinical psychologists who can disclose or recommend the withholding of patient records, face a malpractice review panel, and provide recommendations on involuntary temporary detention orders. Recommend monitor. (20104401D)

Public Safety/Criminal Justice

SB 1018 (Stanley) (SJUD) allows a convicted person's sentence to be reduced by the sentencing court if the court determines such person provided substantial assistance in the furtherance of the investigation or prosecution of another person engaged in an act of grand larceny of a firearm, criminal street gang participation, or recruitment of persons for criminal street gangs. Consideration of sentence reduction can occur only upon motion of the attorney for the Commonwealth. Recommend support. (20105189D)

Legislation Provided for Discussion

Animals

HB 1279 (O'Quinn) (HAG) increases from five to 10 the number of days an animal confined by a public or private animal shelter or releasing agency shall be kept prior to disposal of the animal unless sooner claimed by the rightful owner. The bill also increases from five to 10 the number of additional days such animal shall be held if the owner or custodian of the shelter determines that the animal has a collar, tag, license, tattoo, or other form of identification. (20101926D)

Environment and Energy

Clean Energy

SB 1027 (Lewis) (SACNR) directs the Department of Environmental Quality to incorporate into regulations previously adopted by the State Air Pollution Control Board certain provisions establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. Such provisions are required to comply with the Regional Greenhouse Gas Initiative model rule. The bill authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The bill requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Community Flood Preparedness Fund; (ii) to the Department of Mines, Minerals and Energy for low-income energy efficiency programs; (iii) for administrative expenses; and (iv) for statewide climate change planning and mitigation activities. The bill continues the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund for the purpose of creating a low-interest loan program to help inland and coastal communities that are subject to recurrent or repetitive flooding. (20105571D)

Regional Greenhouse Gas Initiative

HB 110 (Ware) (HLC) provides that if the Commonwealth becomes a participant in the Regional Greenhouse Gas Initiative or another carbon dioxide cap and trade program with an open auction of allowances, the Department of Environmental Quality shall establish an allowance reserve account for any electric generation facility that operates according to a long-term contract that was executed prior to May 16, 2017, and prohibits the recovery of allowance costs. The bill provides that such a facility shall be allocated free allowances from the reserve account sufficient to cover its annual compliance obligation for the duration of the long-term contract. (20101945D)

HB 1152 (Lopez) (HLC) directs the Department of Environmental Quality (DEQ) to implement the final carbon trading regulation as approved by the Air Pollution Control Board providing for the establishment of a carbon dioxide cap and trade program. The measure directs the Commonwealth to become a member of the Regional Greenhouse Gas Initiative (RGGI). Pursuant to the Commonwealth's participation in the RGGI program, the Department shall seek to sell 100 percent of all allowances issued each year through the allowance auction. The measure authorizes

the Director of the DEQ to establish, implement, and manage an auction program to sell allowances into a market-based trading program consistent with the RGGI program. The measure establishes the Energy Efficiency Fund and requires that all proceeds received from the sale of allowances conducted through the RGGI program be paid into the state treasury and credited to the Fund. Not less than 50 percent of the proceeds received from the sale of allowances shall be credited to an account to support energy efficiency programs, with at least 20 percent of the proceeds being directed to low-income energy efficiency programs. Not more than three percent of the proceeds shall be used to cover reasonable administrative expenses. The remaining funds will revert to the general fund. (20101672D)

Virginia Clean Economy Act

HB 1526 (Sullivan) (HLC)/**SB 851** (McClellan) (SCL) replaces the existing voluntary renewable energy portfolio system (RPS) program with a mandatory RPS that applies to electric utilities and licensed competitive suppliers. Under the mandatory RPS, utilities and suppliers are required to produce their electricity from 100 percent renewable sources by 2050, with annual steps that direct the electricity be generated in specific percentages in nine tiers or sub-tiers. A utility or supplier that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to low-income, disability, veteran, and age-qualifying energy efficiency programs; additional energy efficiency measures for public facilities; coastal resiliency efforts; and administrative costs. Among other things, the measure also (i) adopts a 2,400 megawatt energy storage deployment target for the Commonwealth and requires the State Corporation Commission (the Commission) to adopt regulations for the implementation of the energy storage deployment target that outline a deployment target of 2,400 megawatts by 2035 with interim targets that include Commission-approved energy storage system resources; (ii) establishes an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2021 at 0.35 percent of the average annual energy retail sales by that utility in the three preceding calendar years and increase annually until 2027 and thereafter when energy efficiency savings of at least two percent of the average annual energy retail sales by that utility in the three preceding calendar years are required; (iii) exempts large general service customers from energy savings requirements; (iv) revises the incentive for electric utility energy efficiency programs; (v) provides that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) provides that in the case of a facility utilizing energy derived from offshore wind, the utility shall identify options for utilizing local workers, consult with the Commonwealth's Chief Workforce Development Officer on opportunities to advance the Commonwealth's workforce goals, including furtherance of apprenticeship and other workforce training programs to develop the local workforce, and give priority to the hiring of local

workers; (vii) requires each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon as a cost adder; (viii) removes provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) removes a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) removes the limit of 16 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amends the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount, increases each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to 10 percent of such amount, eliminates the ability of a utility to assess standby charges, and establishes the right to finance electrical generating facilities via leases and power purchase agreements; (xii) removes the ability of utilities in triennial rate reviews to attribute to test periods under review the booked costs of early retirement determinations made by the utility for utility generation facilities fueled by coal, natural gas, or oil; (xiii) directs the State Air Pollution Control Board (the Board) to report to the General Assembly by January 1, 2021, on how to achieve 100 percent carbon free electric energy generation by 2050 and whether the General Assembly should permanently repeal the ability to obtain a certificate of public convenience and necessity for electric generating units that emit carbon as a byproduct of combusting fuel to generate electricity; (xiv) bars the Commission from issuing a certificate for public convenience and necessity for any investor-owned utility to own, operate, or construct any electric generating unit that emits carbon as a byproduct of combusting fuel to generate electricity until the General Assembly receives the Board's report; (xv) directs the Board to adopt regulations establishing a carbon dioxide cap and trade program to limit and reduce the total carbon dioxide emissions released by electric generation facilities, which regulations shall comply with the Regional Greenhouse Gas Initiative model rule; (xvi) exempts certain pilot programs from the requirements that an energy efficiency program be in the public interest; (xvii) establishes requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034; (xviii) directs the Board to adopt a regulation to reduce, for the period of 2031 to 2050, the carbon dioxide emissions from any electricity generating unit in the Commonwealth that serves an electricity generator with a nameplate capacity equal to or greater than 25 megawatts that supplies 10 percent or more of its annual net electrical generation to the electric grid or more than 15 percent of its annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected; (xix) establishes a shared solar program that allows customers to purchase electric power through a subscription in a shared solar facility; (xx) repeals the Manufacturing and Commercial Competitiveness Retention Credit that allows certain large nonresidential customers that enter into a three-year minimum exclusive supply agreement to receive a two percent reduction in their base generation charges; (xxi) repeals the authorization for certain third-party power purchase agreements; and (xxii) requires the Department of Mines, Minerals and Energy to prepare a report to the House and Senate Committees on Commerce and Labor and to the Governor's Advisory Council on Environmental Justice that ensures that the

implementation of this act does not impose a disproportionate burden on minority or historically disadvantaged communities. (20105072D, 20105040D)

Virginia Energy Plan

HB 714 (Reid) (HLC) adopts findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy. The measure states that the Commonwealth recognizes that the following objectives will advance the health, welfare, and safety of Virginians: (i) establishing sufficient supply and delivery infrastructure to enable widespread deployment of distributed energy resources; (ii) maximizing energy efficiency programs in order to produce electricity cost savings and to create jobs and revenue from the energy efficiency service sector; (iii) establishing greenhouse gas emissions reduction goals across Virginia's economy that reach net-zero emissions by 2050; (iv) requiring that pathways to net-zero greenhouse gas emissions be determined; (v) enabling widespread integration of storage technologies into the grid and pairing such storage technologies with renewable generation; (vi) mitigating the negative impacts of climate change and the energy transition on disadvantaged communities and prioritizing investment in these communities; (vii) developing the carbon-free energy resources required to fully decarbonize the electric power supply of the Commonwealth including deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by 2040; and (viii) ensuring that decision-making is transparent and includes opportunities for full participation by the public. The measure also states that it is the policy of the Commonwealth to (a) accelerate the use and deployment of renewable energy sources such that 30 percent of Virginia's electricity will be from renewable energy sources by 2030 and 100 percent of Virginia's electricity will be from carbon-free sources by 2040; (b) promote research and development of carbon-free electric power generation technologies, including advanced nuclear and carbon capture and storage; (c) ensure the availability of affordable natural gas where established and where it enables greenhouse gas reduction; (d) promote beneficial electrification of transportation, buildings, industry, and agriculture; (e) establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero greenhouse gas emissions by mid-century; (f) enact mandatory clean energy standards and overall strategies for reaching zero carbon in the electric power sector by 2040; (g) incorporate requirements for technical, policy, and economic analyses and assessments that identify pathways to zero carbon that maximize Virginia's economic development and create quality jobs; (h) minimize the negative impacts of climate change and the energy transition on disadvantaged communities and prioritize investment in these areas; (i) adopt residential and commercial building codes that meet or exceed the current International Building Code standards and encourage construction and retrofitting of buildings to achieve maximum energy savings; and (j) support the distributed generation of renewable electricity. The measure also requires that the Virginia Energy Plan identify actions consistent with the goals of achieving a net-zero carbon economy by 2050 and include an inventory of all greenhouse gas emissions for the four years preceding the issuance of the Plan. (20104864D)

SB 94 (Favola) (Passed Senate) states that the Commonwealth Energy Policy shall include (i) establishing greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net zero carbon emissions by mid-century; (ii) enacting mandatory clean energy

standards and overall strategies for reaching zero carbon in the electric power sector by 2040; (iii) incorporating requirements for technical, policy, and economic analyses and assessments that identify pathways to zero carbon that maximize Virginia's economic development and create quality jobs; and (iv) minimizing the negative impacts of climate change and the energy transition on disadvantaged communities and prioritizing investment in these areas. The measure requires the Virginia Energy Plan to be prepared in consultation with a stakeholder group that includes representatives of consumer and environmental organizations. The measure also requires that the Virginia Energy Plan identify actions over a 10-year period consistent with the goal of the Commonwealth Energy Policy to achieve, no later than 2050, a net-zero carbon energy economy for all sectors, including electricity, transportation, building, and industrial sectors. (20105660D-S1)

Firearms

HB 674 (Sullivan) (Passed House) creates a procedure by which any attorney for the Commonwealth or any law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. If an emergency substantial risk order is issued, a judge or magistrate may issue a search warrant to remove firearms from such person. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of an order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill. (20104741D)

SB 240 (Barker) (Passed Senate) creates a procedure by which an attorney for the Commonwealth or two law enforcement officers, supported by affidavit of supporting facts after consulting with the attorney for the Commonwealth, may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm, though voluntary relinquishment shall not preclude a law-enforcement officer from later obtaining a search warrant to search for any firearms if a law-enforcement officer has reason to

believe that the person who is subject to an emergency substantial risk order has not relinquished all firearms in his possession. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The bill allows the complainant of the original warrant to file a motion for a hearing to extend the substantial risk order prior to its expiration. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of a substantial risk order is guilty of a Class 4 felony. The bill creates a computerized substantial risk order registry for the entry of orders issued pursuant to provisions in the bill. (20105922D-ES3)

Human Services

SB 1049 (Deeds) (SEH) clarifies the role of family members and other individuals authorized to receive medical records and information about a person who is involved in the involuntary commitment process, including the family member or other person's right to receive medical records, notice of hearings, and copies of orders and to participate in hearings and the discharge planning process. (20105346D)

SB 1050 (Deeds) (SEH) extends the maximum period of time during which a person may be involuntarily held pursuant to an emergency custody order from eight hours, or in some cases 12 hours, to 24 hours and requires the Board of Health to include in regulations governing hospitals a requirement that every hospital be licensed for and actually capable of accepting from law enforcement the transfer of custody of a person who is the subject of an emergency custody order. (20105345D)

Marijuana

Studies

HJ 130 (Heretick) (HRUL)/**HJ 132** (Herring) (HRUL)/**SJ 66** (Ebbin) (SRUL) establishes the Joint Subcommittee to Study the Development of a Framework for Regulated Adult-Use of Cannabis and Medical Cannabis (Joint Subcommittee). The bill requires the Joint Subcommittee to (i) study and provide guidance on the potential creation of a Cannabis Control Commission to oversee licensing and regulation of industrial hemp, medical cannabis, and adult-use of cannabis; (ii) provide regulatory guidance on potential tax rates and revenue forecasts for retail and wholesale products; (iii) study and make recommendations regarding the issuance of initial cultivation and retail licenses; (iv) develop and recommend a fee structure and grandfathering process for current

pharmaceutical processors; (v) study and recommend potential marijuana advertising regulations; (vi) study and determine appropriate public consumption venues and personal cultivation allowances; (vii) study funding and processing requirements for expungement of criminal records and rights restoration related to marijuana decriminalization; (viii) study and recommend methods for diversifying ownership of the marijuana market; (ix) assess the California, Massachusetts, and Illinois marijuana programs and their effectiveness in transferring economic prosperity to disproportionately affected areas; (x) study the potential development of a community reinvestment fund; and (xi) review and analyze National Highway Traffic Safety Administration studies on marijuana-related impairment. (20105363D, 20105549D, 20105313D)

SJ 67 (McClellan) (SRUL) redress impacts of marijuana prohibition; report. (20105391D)

Decriminalization

SB 2 (Ebbin) (SJUD) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50. As an alternative to the civil penalty, a court may, upon motion of the defendant, prescribe the performance of up to 20 hours of community service. 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 a violation shall be charged by summons and may be executed by law enforcement when the violation is observed by law enforcement. The bill provides that the suspended sentence and substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations. The bill defines marijuana to include hashish oil. The bill raises the threshold amount of marijuana subject to the offense of distribution or possession with intent to distribute from one-half ounce to one ounce. The bill contains technical amendments. (20100705D)

HB 265 (Heretick) (HCT) decriminalizes marijuana possession and provides a civil penalty of no more than \$25. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum jail sentence of 30 days, and subsequent offenses are a Class 1 misdemeanor. The bill creates a rebuttable presumption that a person who possesses no more than one-half ounce of marijuana possesses it for personal use and provides that the existing suspended sentence and substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill decreases from a Class 5 felony to a Class 6 felony the penalty for distribution or possession with intent to sell more than one-half ounce but not more than five pounds of marijuana. (20100927D)

HB 301 (Levine) (HCT) decriminalizes simple marijuana possession and provides a civil penalty, payable to the Literary Fund, of no more than \$100 for a first violation, \$250 for a second violation, and \$500 for a third or subsequent violation. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum 30-day jail sentence, and subsequent offenses are a Class 1 misdemeanor. The bill reduces the criminal penalties for distribution and possession with intent to sell, give, or distribute marijuana. The bill creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill also limits forfeiture of property from the sale or distribution

of marijuana to quantities of more than one pound; currently there is no minimum amount. (20101961D)

HB 481 (Kory) (HCT) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50 for a first violation, \$100 for a second violation, and \$250 for a third or subsequent violation. 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 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 provides that a court may suspend a driver's license for a civil violation committed by an adult. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit. (20103114D)

HB 972 (Herring) (HCT) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50 or, if such person is smoking, consuming, or otherwise ingesting marijuana in a public place at the time of the violation, no more than \$250. 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 person who knowingly or intentionally smokes, consumes, or otherwise ingests marijuana while driving or operating a motor vehicle, engine, train, watercraft, or motorboat is guilty of a misdemeanor and shall be confined in jail not more than 30 days and fined not more than \$500, either or both, and subsequent convictions are a Class 1 misdemeanor. The bill also 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. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit. 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. (20103384D)

HB 1507 (Carroll Foy) (HCT) Possession of marijuana. (20105399D)

Legalization

HB 87 (Carter) (HCT) eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also decriminalizes marijuana possession for persons under 21 years of age and provides a civil penalty of no more than \$100 for possession of (i) two and one-half ounces or less of marijuana or (ii) 12 or fewer marijuana plants and a civil penalty of no more than \$500 for possession of more than (a) two and one-half ounces of marijuana or (b) 12

marijuana plants. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum jail sentence of 30 days, and subsequent offenses are a Class 1 misdemeanor. The bill also modifies several other criminal penalties related to marijuana. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana secure transporters, marijuana testing facilities, retail marijuana stores, and marijuana microbusinesses by the Board of Agriculture and Consumer Services. The bill imposes an additional tax of 10 percent on retail marijuana and retail marijuana products sold by retail marijuana stores and microbusinesses and directs the first \$20 million of such revenues, after expenses of the Board are paid, to the Veterans Treatment Fund, established in the bill. The remaining tax receipts will be distributed to the localities in which the businesses operate, toward the state's share of Standards of Quality basic aid payments, and to the Commonwealth Mass Transit Fund. The bill also expands the legal medical uses of marijuana and tetrahydrocannabinol from only cancer and glaucoma to any use to alleviate the symptoms of any diagnosed condition or disease determined by the prescribing doctor to benefit from the use of such substance. (20100835D)

HB 269 (Heretick) (HCT) eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also decriminalizes marijuana possession for persons under 21 years of age and provides a civil penalty of no more than \$50 for a first violation, \$100 for a second violation, and \$250 for a third or subsequent violation. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum jail sentence of 30 days, and subsequent offenses are a Class 1 misdemeanor. The bill also modifies several other criminal penalties related to marijuana. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, and retail marijuana stores by the Board of Agriculture and Consumer Services. The bill imposes a tax on retail marijuana and retail marijuana products sold by a retail marijuana store at a rate of 9.7 percent (for a total sales tax of 15 percent) and provides that 67 percent of the revenues collected from the tax be deposited into the general fund and 33 percent of the revenues be deposited into a "Retail Marijuana Education Support Fund" to be used solely for purposes of public education. (20100185D)

Transportation

SB 758 (Marsden) (STRAN) makes several changes related to electric personal delivery devices, including changing the term used to refer to such devices to "personal delivery devices" and changing the weight limit of such devices from 50 to 200 pounds. The bill eliminates the ability of localities to regulate or prohibit the use of personal delivery devices on sidewalks, crosswalks, or roadways. The bill also changes the restriction on the transport of hazardous materials by a personal delivery device to only limit the transport of hazardous materials in a form and quantity that would pose an unreasonable risk to health, safety, or property. (20105149D)

HB 543 (Carr) (Passed House)/**SB 871** (Marsden) (Passed Senate) amends the definition of "electric power-assisted bicycle" to include three classes of such bicycles, based upon the type of motor and the maximum miles per hour that the motor is capable of propelling the bicycle. The bill also provides that electric power-assisted bicycles and operators are afforded the same rights and privileges as bicycles and operators and limits local and state regulation of the operation of

such electric power-assisted bicycles to certain bicycle paths, shared-use paths, and trails. The bill requires manufacturers and distributors of electric power-assisted bicycles to include (i) on each electric power-assisted bicycle, a label indicating certain technical specifications and (ii) on each class three electric power-assisted bicycle, a miles-per-hour speedometer. The bill requires persons operating or riding on a class three electric power-assisted bicycle to wear a helmet. (20102771D, 20102647D)

Redistricting

Virginia Redistricting Commission

HB 381 (Cole, M.) (HPE) establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records. The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, racial and ethnic fairness, respect for existing political boundaries, contiguity, compactness, and communities of interest. Provisions to ensure public participation in the redistricting process are included. If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact a rule by March 1, 2021, establishing a procedure for implementing this requirement. Additionally, the bill requires the establishment of local redistricting commissions in each county, city, and town in which members of the governing body are elected from districts or wards and other than entirely at large. These commissions will each consist of four commissioners appointed by the governing body, with equal representation given to the political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending

Section 6 and adding Section 6-A, at the November 2020 general election. Recommend amend to remove provisions pertaining to the local redistricting commission. (20100230D)

HB 380 (Cole, M.) (HPE)/**HB 784** (VanValkenburg) (HPE)/**SB 236** (Barker) (SPE)/**SB 358** (Cosgrove) (SPE)/**SB 974** (Hanger) (SPE) provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020. (20100229D, 20100576D, 20101035D, 20101800D, 20104334D)

HJ 34 (Cole, M.) (HPE)/**HJ 71** (VanValkenburg) (HPE)/**SJ 12** (Cosgrove) (SPE)/**SJ 18** (Barker) (SPE)/**SJ 70** (Hanger) (SPE) establishes the Virginia Redistricting Commission, a 16-member Commission tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly. The Commission consists of eight legislative members and eight citizen members. The legislative members consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen members are selected by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The Commission is required to submit to the General Assembly plans of districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and plans of districts for the United States House of Representatives no later than 60 days following the receipt of census data, or July 1 of that year, whichever occurs later. The measure requires certain vote thresholds for plans, depending on the type of district, in order to be submitted to the General Assembly. No amendments may be made to a plan by the General Assembly, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail. (20100228D, 20100575D, 20101797D, 20101031D, 20104333D)

HB 877 (Sickles) (HPE) establishes the Virginia Redistricting Commission (the Commission) pursuant to proposed amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of

the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records. The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods. Provisions to ensure public participation in the redistricting process are included. If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to appoint a special master to draw the maps for the establishment of the districts. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election. (20100373D)

HB 1055 (Levine) (HPE) establishes the Virginia Redistricting Commission (the Commission). The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the General Assembly may reject initial plans and provide information to the Commission regarding the reasons for rejecting such plans. The General Assembly is limited in its ability to amend plans until multiple plans have been submitted and rejected. The bill sets out criteria by which the districts are to be drawn, including equal population, racial and ethnic fairness, contiguity, and compactness. Provisions to ensure public participation in the redistricting process are included. (20101964D)

SB 203 (Lucas) (SPE) establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party

having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records. The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, contiguity, compactness, racial and ethnic fairness, respect for existing political boundaries, and respect for existing communities of interest. The bill prohibits districts from being drawn for the purpose of favoring or disfavoring any political party, incumbent legislator or member of Congress, or other individual or entity. Provisions to ensure public participation in the redistricting process are included. If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact a rule by March 1, 2021, establishing a procedure for implementing this requirement. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election. (20102515D)

HB 758 (VanValkenburg) (HPE)/**SB 975** (Hanger) (SPE) establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records. The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, contiguity, compactness, racial and

ethnic fairness, respect for existing political boundaries, and respect for existing communities of interest. The bill prohibits districts from being drawn for the purpose of favoring or disfavoring any political party, incumbent legislator or member of Congress, or other individual or entity. Provisions to ensure public participation in the redistricting process are included. If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact rules and procedures for doing so. The rules and procedures enacted by the Court are required to allow public participation in the Court's redistricting deliberations, to provide for the Division of Legislative Services to provide staff support and technical assistance to the Court, and to ensure districts established by the Court adhere to constitutional and statutory criteria. The bill directs the Court to appoint a special master to assist in the establishment of districts and authorizes the Court to adjust the date of the primary election and various related deadlines as may be necessary to allow for the establishment of districts. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election. (20104706D, 20104335D)

HB 1256 (Price) (HPE) establishes the Virginia Redistricting Advisory Commission, an 11-person commission tasked with proposing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly that adhere to certain constitutional and statutory criteria and are based on public input and that will be submitted for consideration and adoption by the General Assembly. Four of the commissioners are to be affiliated with the political party receiving the highest number of votes for Governor at the immediately preceding gubernatorial election, four are to be affiliated with the political party receiving the next highest number of votes for Governor at the immediately preceding gubernatorial election, and three are to be unaffiliated with either of those political parties. The Auditor of Public Accounts is required to adopt an application and process by which residents of the Commonwealth may apply to serve on the Commission. The Auditor also acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications and sorting eligible applicants into applicant pools by political party affiliation. Political leadership and the Auditor of Public Accounts each select one commissioner from the narrowed-down applicant pool, and then those five commissioners select the remaining six commissioners from the same applicant pools. The Commission selects an executive director and hires its own full-time staff. Responsibilities related to preparation for the decennial Census and the redistricting process that are currently given to the Joint Reapportionment Committee are shifted to the Commission. The Commission is also tasked with maintaining current election district and precinct boundaries as part of its computer-assisted mapping and redistricting systems, both currently the responsibility of the Division of Legislative Services. The Commission is required to develop and hold hearings on preliminary maps before submitting any proposed map to the General Assembly; the bill contains deadlines for both. The General Assembly may reject initial plans developed by the Commission and provide information to the Commission regarding the reasons for rejecting such plans. The General Assembly is limited in its ability to amend plans until multiple plans have been submitted and rejected. The bill sets out criteria by which the districts are to be drawn, including equal population, contiguity, racial and ethnic fairness, and respect for existing communities of interest. The bill prohibits districts from being drawn for the purpose of favoring or disfavoring any political party, incumbent

legislator or member of Congress, or other individual or entity. Provisions to ensure public participation in the redistricting process are included. (20104115D)

HB 1645 (Levine) (HPE) establishes the Virginia Citizens Redistricting Commission (the Commission), a 10-member commission responsible for proposing legislative and congressional districts following a decennial census, to be submitted to and approved by the General Assembly. A selection committee consisting of five retired judges of a circuit court in Virginia, selected by the Speaker of the House of Delegates, the minority leader in the House of Delegates, and the majority and minority leaders in the Senate from a list compiled by the Chief Justice of the Supreme Court of Virginia, 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 22 candidates. The bill requires five 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, five 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 12 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 10 Commission members, three of whom affiliate with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial election, three 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. To be submitted to the General Assembly, a proposed plan is required to receive an affirmative vote of seven of the 10 Commission members, including at least one vote from each of the political parties represented. Initial plans submitted to the General Assembly are not subject to amendment, but if submission of subsequent plans is necessary, such plans may be amended in the same manner as other bills. (20105324D)

HJ 143 (Levine) (HRUL) provides for the establishment of the Virginia Citizens Redistricting Commission (the Commission), a 10-member commission responsible for establishing legislative and congressional districts following a decennial census. A selection committee consisting of five retired judges of a circuit court in Virginia, selected by the Speaker of the House of Delegates, the minority leader in the House of Delegates, and the majority and minority leaders in the Senate from a list compiled by the Chief Justice of the Supreme Court of Virginia, 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 22 candidates. The amendment requires five 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, five 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 12 candidates to be voters who do not affiliate with either of those political parties. 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 a final list of 10 Commission members is reached consisting of three members who affiliate with the political party receiving the highest number of votes for Governor at the immediately preceding gubernatorial election, three members who affiliate with the political party receiving the next highest number of votes for Governor at the immediately preceding gubernatorial election, and

four members who do not affiliate with either of those political parties. Final approval or adoption of a redistricting plan requires an affirmative vote of seven of the 10 Commission members, including at least one vote from each of the political parties represented. The amendment also contains criteria to which the Commission is required to adhere when drawing the legislative and congressional districts, including a criterion of fairness, and imposes certain requirements on the Commission's activities to ensure accessibility by the public. (20105633D)

Role of the Supreme Court

SB 204 (Lucas) (SPE) directs the Supreme Court of Virginia to enact rules and procedures for implementing the constitutional requirement that the Court establish congressional or state legislative districts in the event districts fail to be enacted. The rules and procedures enacted by the Court are required to allow public participation in the Court's redistricting deliberations, to provide for the Division of Legislative Services to provide staff support and technical assistance to the Court, and to ensure districts established by the Court adhere to constitutional and statutory criteria. The bill directs the Court to appoint a special master to assist in the establishment of districts and authorizes the Court to adjust the date of the primary election and various related deadlines as may be necessary to allow for the establishment of districts. The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election. (20101143D)

Criteria for Drawing Districts

HB 1054 (Levine) (HPE) provides criteria by which congressional and state legislative districts are to be drawn, including racial and ethnic fairness, protection of racial and language minorities to participate in the political process and elect a preferred candidate, contiguity, statewide proportionality, equal population, protection of existing political boundaries, compactness, respect for communities of interest, and avoidance of irregular or contorted perimeters and split precincts. (20105106D)

HB 1255 (Price) (HPE)/**SB 717** (McClellan) (SPE) provides criteria by which congressional and state legislative districts are to be drawn, including compactness and contiguity, racial and ethnic fairness, protection of the rights of racial and language minorities to participate and elect a preferred candidate, and consideration of existing political boundaries and communities of interest. The bill requires the most recent decennial population figures reported by the United States Bureau of the Census to be used in drawing districts, except that incarcerated persons are to be counted at their last known legal residence. The bill prohibits the use of political data when drawing districts. (20100641D, 20103882D)

SB 56 (Suetterlein) (SPE) 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. (20100803D)

SB 175 (Chase) (SPE) provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity,

compactness, and communities of interest. The bill prohibits use of political data or election results unless necessary to determine if racial or ethnic minorities can elect candidates of their choice. (20102420D)

SB 241 (Barker) (SPE) provides criteria by which congressional and state legislative districts are to be drawn, including equal population, racial and ethnic fairness, protection of racial and language minorities to participate and elect a preferred candidate, contiguity, and compactness. (20104257D)