

**Specific Legislation and Legislation Provided for Discussion**  
**Board of Supervisors Legislative Committee**  
**January 24, 2020**

**Specific Legislation**

**Historical Positions of the Board**

**SUPPORT**

**HB 566** (Guzman) (HHWI)/**SB 124** (Locke) (Senate Floor) provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a drug-related felony. Under current law, such individuals may not be denied food stamp benefits based on a felony conviction of possession of a controlled substance in violation of § 18.2-250, provided that such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and meets any other obligations as determined by the Department of Social Services. The bill also provides that a person who is otherwise eligible to receive TANF benefits shall not be denied such assistance solely because he has been convicted of a felony offense of possession of a controlled substance in violation of § 18.2-250. Recommend support; Board has historically supported. (20105131D, 20105548D-S1)

**HB 696** (Roem) (HCCT) provides that localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity. Recommend support; Board has historically supported. (20104504D)

**SB 159** (Boysko) (SGL) prohibits discrimination in public employment on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Recommend support; Board has historically supported. (20102892D)

**SB 682** (Mason) (SFIN) eliminates the limit that restricts a county from imposing a food and beverage tax (commonly referred to as the meals tax) at a rate greater than four percent. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. Under current law, the tax limit and referendum requirement apply to counties but not cities. Recommend support; Board has historically supported. (20103944D)

**SB 921** (Locke) (SFIN) permits any county to impose a cigarette tax. Under current law, only the Counties of Arlington and Fairfax have such authority. The bill provides that there shall be no limitation on the cigarette tax rate imposed by counties. Under current law, cities and towns may impose the tax without limitation on the rate, but the Counties of Arlington and Fairfax may impose

the tax at a rate not to exceed the amount levied under state law (\$0.30 per pack). Recommend support; Board has historically supported. (20104542D)

### **Driver's License Suspension**

**HB 17** (Carroll Foy) (HCT) repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2020, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee. Recommend support. Board has historically supported concept of alternatives to driver's license suspension to address non-payment of court fines and costs. (20101115D)

**HB 1196** (Lopez) (HCT) removes the requirement that a court suspend the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs. The bill provides that the fine for any moving violation while operating a motor vehicle in a designated highway safety corridor shall be no more than \$500 for any violation that is a traffic infraction and not less than \$200 for any violation that is a criminal offense. The bill also repeals the Nonresident Violator Compact of 1977. The bill contains an emergency clause. Recommend support. Board has historically supported concept of alternatives to driver's license suspension to address non-payment of court fines and costs. (20103348D)

**SB 1** (Stanley) (SFIN) repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2020, solely for nonpayment of fines or costs. Such person does not have to pay a reinstatement fee. Recommend support. Board has historically supported concept of alternatives to driver's license suspension to address non-payment of court fines and costs. (20105850D-S1)

### **Transportation**

**HB 1644** (Plum) (HTRAN) prohibits the driver of a vehicle from overtaking and passing a vehicle stopped at a marked crosswalk to permit a pedestrian to cross the highway. Recommend support; Board has historically supported. (20101622D)

**HB 1705** (Kory) (HTRAN) clarifies the duties of vehicle drivers to stop when yielding to pedestrians at (i) clearly marked crosswalks, whether at midblock or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or (iii) any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour. The bill contains technical amendments. Recommend support; Board has historically supported. (20105498D)

**OPPOSE**

**HB 1308** (Walker) (HAG) authorizes any land-disturbing activity that was eligible to take place pursuant to technical criteria that were adopted by the State Water Control Board prior to July 1, 2014, to be governed by such criteria until July 1, 2024. Current regulations grandfathered such activities until July 1, 2019. Recommend oppose; Board has historically opposed. (20104024D)

## **New Bills – 2020 GA**

### **Miscellaneous**

**HB 662** (Mullin) (HCCT) incorporates into the local grievance procedure certain provisions in the state grievance procedure related to appeal of final decisions to the circuit court. Recommend oppose. (20101301D)

### **Administration of Government**

**SB 826** (McDougle) (Senate Floor) reduces the maximum potential responsibility of a property owner for a tenant's unpaid water and sewer charges by capping the dollar amount of such property owner's responsibility at \$200. Recommend monitor. (20103958D-E)

**SB 977** (Suetterlein) (Senate Floor) requires a governing body to provide members of the general public with the opportunity for public comment during at least half of the regular meetings held each fiscal year. Recommend oppose. (20105104D)

### *Animals*

**HB 508** (Willett) (HAG) extensively reorganizes, clarifies, and makes substantive changes to provisions related to dangerous dogs. Substantive changes include (i) requiring a law-enforcement officer or animal control officer who has reason to believe that a dog within his jurisdiction is a dangerous dog to apply for a district court summons, a requirement that is discretionary under current law; (ii) a prohibition on disposing of a dog prior to a dangerous dog adjudication; (iii) additional requirements for owners during and after a dangerous dog adjudication, including notice upon transfer, signage, fencing, muzzling, and registration; (iv) court discretion on prohibiting ownership of or residence with a dog following a dangerous dog adjudication; and (v) additional recordkeeping for officers in certain situations. The bill also increases from a Class 1 misdemeanor to a Class 6 felony the penalty for a first offense of killing a domestic dog or cat for the purpose of obtaining its hide, fur, or pelt. Current law imposes a Class 6 felony charge only for a second or subsequent offense. Recommend oppose. (20103962D)

**HB 1480** (Gooditis) (HAG) authorizes a locality to regulate or restrict by ordinance the acquisition, marketing, and sale of animals in a pet shop. Such ordinance may distinguish between certain types of pet shops and include provisions for special licensing, inspections, reporting, or restrictions on the sale of certain types of animals. The bill also includes various existing statewide provisions related to pet shops in the list of sections for which a locality may adopt parallel or more stringent ordinances. Recommend support. (20102872D)

### **Transportation**

**HB 774** (LaRock) (HFIN) increases the maximum matching allocation that the Commonwealth Transportation Board may make to a locality from \$5 million to \$10 million and increases the portion of such funds that such locality may use for the maintenance of highway systems from \$2.5 million to \$5 million. Recommend support. (20103803D)

**HB 1217** (Tran) (HTRAN) directs the Department of Transportation, in collaboration with the Commonwealth Center for Recurrent Flooding Resiliency, to(i) identify public transportation infrastructure at risk of flooding or deterioration due to flooding in Northern Virginia, Hampton Roads, and Lynchburg; (ii) develop recommendations for managing such assets; and (iii) report its findings and recommendations to the Chairs of the House and Senate Committees on Transportation the 2021 General Assembly. Recommend support. (20104450D)

**HB 1518** (McQuinn) (HTRAN) allows the Department of Transportation to pay a locality up-front for eligible expenses related to certain transportation projects administered by the locality, instead of being reimbursed after completion of the project. The bill also removes language related to an obsolete funding formula. Recommend support. (20103783D)

**HJ 57** (Subramanyam) (HRUL) requests that the Department of Transportation study traffic congestion on that portion of U.S. Route 50 between the intersections of Interstate 66 in Fairfax County and U.S. Route 15 in Loudoun County and the feasibility of implementing improvements to such portion of the highway. Recommend amend. Amend to provide local input and include transit in study. (20103600D)

**SB 687** (Vogel) (STRAN) requires the Department of Transportation to erect and maintain signs in high pedestrian, Segway, bicycle, moped, animal, and animal-drawn vehicle traffic volume areas signs that say "Share the Road" and that note existing law requiring passing motor vehicles to pass at least three feet to the left of such vehicles. The bill prohibits the driver of a motor vehicle from using a bicycle lane to pass or attempt to pass another vehicle. Recommend support. (20103078D)

### Courts

**HB 869** (Bourne) (HCT) requires the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of their deputies or employees, above the salary of any such officer, deputy, or employee, to supplement the compensation of the public defender, or any of his deputies or employees, in the same amount as the supplement to the compensation of the attorney for the Commonwealth, or any of his deputies or employees. Recommend oppose. Funding court personnel is a critical state responsibility. (20100539D)

### Elections

**SB 617** (Deeds) (Passed Senate) authorizes the establishment of voter satellite offices by governing bodies of counties and cities for purposes of absentee voting in person. No change in any voter satellite office, including the creation of a new voter satellite office or abolishment of an existing voter satellite office, may be enacted within the 60 days immediately preceding a general election. The bill requires general registrars to post notice of the locations of all voter satellite offices within the locality, and their days and hours of operation, not later than 55 days prior to any election. Requirements for polling places, including accessibility for persons with disabilities, changes of location due to emergency circumstances, and funding, apply to voter satellite offices. The

provisions of the bill are applicable to elections beginning with the general election on November 3, 2020. Recommend monitor. (20102713D-E)

### **Electronic Payments**

**HJ 63** (Rush) (HRUL) establishes a 19-member, two-year joint subcommittee to identify research and economic development opportunities to inform a statewide, comprehensive, and coordinated strategy relating to blockchain technology. Recommend support. Support with amendment to include analysis of opportunities to deploy blockchain technology at the local level, and local government representation on the joint subcommittee. (20102833D)

**HJ 105** (Subramanyam) (HRUL) establishes a 19-member, two-year joint subcommittee to identify research and economic development opportunities to inform a statewide, comprehensive, and coordinated strategy relating to blockchain technology. Recommend support. Support with amendment to include analysis of opportunities to deploy blockchain technology at the local level, and local government representation on the joint subcommittee. (20103700D)

**HJ 82** (Ayala) (HRUL) requests the Virginia Economic Development Partnership Authority to identify blockchain technology research and economic development opportunities with the goal of creating a statewide, comprehensive, and coordinated strategy relating to blockchain technology. In conducting its study, the Virginia Economic Development Partnership Authority shall analyze and consider (i) economic development opportunities in the Commonwealth available through the utilization of blockchain technology; (ii) different types of blockchain technology and the feasibility of economic development for each type; (iii) the creation of a statewide, comprehensive, and coordinated strategy to encourage commercial activity in the blockchain technology sector; (iv) opportunities for deployment of blockchain technology in state government; and (v) strategies to incentivize the development of blockchain companies in the Commonwealth. The Virginia Economic Development Partnership Authority shall submit its report to the Governor and the 2021 and 2022 Regular Sessions of the General Assembly. Recommend support. Support with amendment to include collaboration with local government representatives to analyze opportunities to deploy blockchain technology at the local level. (20104566D)

### **Firearms**

**HB 2** (Plum) (HPS) requires a background check for any firearm transfer and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a check from licensed firearms dealers. A transferor who sells a firearm to another person without obtaining the required background check is guilty of a Class 6 felony. The bill also provides that a transferee who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill exempts transfers (i) between immediate family members; (ii) that occur by operation of law; (iii) by the executor or administrator of an estate or by the trustee of a testamentary trust; (iv) at firearms shows in accordance with law; (v) that are part of a buy-back or give-back program; (vi) of antique firearms; (vii) that occur at a shooting range, shooting gallery, or any other area designed for the purpose of target shooting, for use during target practice, a firearms safety or training course or class, a shooting competition, or any similar lawful activity; or (viii) that are temporary transfers that (a) occur within the continuous presence

of the owner of the firearm or (b) are necessary to prevent imminent death or great bodily harm. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a criminal history record information check before a firearm may be transferred. The bill establishes an appropriation for the fiscal impact of the bill and authorizes the Director of the Department of Planning and Budget to allocate such appropriation among the agencies and programs impacted by the bill. Recommend support. (20101194D)

**SB 70** (Lucas) (Passed Senate) requires a background check for any firearm sale and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a check from licensed firearms dealers. A person who sells a firearm to another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill also provides that a purchaser who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a criminal history record information check before a firearm may be transferred. This bill incorporates SB 12. Recommend support. Support the comprehensive approach to requiring universal background checks as envisioned in HB 2. (20105589D-S1)

### Health and Human Services

**HB 378** (Rasoul) (HHWI)/**SB 864** (Pillion) (SEH) repeals the sunset on the program established in 2017 that allows the Commissioner of Health to establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include a provision for the distribution of sterile hypodermic needles and syringes and the disposal of used hypodermic needles and syringes. Recommend support. (20102454D, 20104765D)

**HB 589** (Guzman) (HHWI) adds the total population of the area served by each community services board and the level of need for services provided by a community services board among the population of the area served to the list of criteria the Department of Behavioral Health and Developmental Services must consider when allocating state-controlled funds to community services boards. Recommend monitor. (20102117D)

**HB 608** (Miyares) (HHWI) establishes the Health Enterprise Zone Program and Fund to target state resources to (i) reduce racial, ethnic, and geographic health disparities; (ii) improve access to health care in underserved communities; (iii) reduce hospital admission and readmission rates; and (iv) reduce health care costs in the Commonwealth. The bill establishes eligibility criteria for localities seeking designation as health enterprise zones and provides for the payment of funds from the Health Enterprise Zone Fund to designated localities for (i) implementation of strategies and interventions proposed in the application for designation as a health enterprise zone and (ii) provision of education loan repayment assistance or financial assistance to defray the cost of capital improvements or equipment purchase by health care providers in the health enterprise zone, as described in the application for designation as a health enterprise zone. The bill requires the State Department of Health to report annually by December 1 to the Governor and the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate

Committees on Finance and Education and Health on the status of the Program. The bill has an expiration date of July 1, 2025. Recommend support. (20101235D)

**HB 713** (Hope) (HHWI) extends from 90 days to 180 days the maximum time period a court may order mandatory outpatient treatment for adults and juveniles. The bill provides that any order for mandatory outpatient treatment may include provisions for periodic reviews to monitor the person's (i) access to and satisfaction with services and supports provided under the treatment plan and (ii) compliance with the mandatory outpatient order. The district court judge or special justice may require attendance at such conferences by the person, the community services board staff member responsible for monitoring the person's compliance with the order, and such other persons as deemed appropriate. If agreed upon by the person and monitoring community services board, the judge or special justice may (a) allow such review conferences to be conducted through an electronic video and audio or telephonic communication system and (b) make adjustments to the treatment plan. Recommend support. (20104681D)

**HB 778** (Jones, J.) (House Floor) increases from 45 days to 60 days the allowable time for completing a family assessment by a local department of social services and removes the local department's opportunity to request a 15-day extension. Recommend support. (20100614D)

**HB 1137** (Lopez) (HHWI) requires the Department of Social Services to (i) keep records of the number of Virginia Initiative for Education and Work participants that receive an exception to the time limitations on Temporary Assistance for Needy Families due to hardship and the specific circumstances relied upon to grant such exceptions and (ii) annually publish non-identifying statistics regarding such information. Recommend monitor. (20101649D)

**HB 1147** (Keam) (HHWI) requires public places to make epinephrine available for administration. The bill allows employees of such public places who are authorized by a prescriber and trained in the administration of epinephrine to possess and administer epinephrine to a person present in such public place believed in good faith to be having an anaphylactic reaction. The bill also provides that an employee of such public place who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person present in the public place believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Recommend oppose. (20103677D)

**HB 1351** (Watts) (HHWI) expands the category of individuals who may evaluate a person who is the subject of an emergency custody order to determine whether the person meets the criteria for temporary detention to include any person described in the definition of "mental health professional" in § 54.1-2400.1 who (i) is skilled in the diagnosis and treatment of mental illness, (ii) has completed a certification program approved by the Department of Behavioral Health and Developmental Services, and (iii) complies with regulations of the Board of Behavioral Health and Developmental Services related to performance of such evaluations. Recommend oppose. (20103049D)

## **Housing**

**HB 590** (Guzman) (Passed House) expands the definition of "eligible housing area" for the housing choice voucher tax credit to include Virginia census tracts in the Washington-Arlington-Alexandria Metropolitan Statistical Area in which less than 10 percent of the population lives below the poverty level. Landlords who rent qualified housing units within such areas are eligible for an income tax credit. Current law only applies to such areas within the Richmond and Virginia Beach-Norfolk-Newport News Metropolitan Statistical Areas. Recommend support. (20105800D-H1)

**HJ 31** (Lopez) (HRUL) directs the Department of Housing and Community Development 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 with amendment to include the Virginia Housing Development Authority in the study. (20101786D)

## **Land Use**

**HB 655** (Heretick) (HCCT)/**SB 870** (Marsden) (SLG) authorizes any locality with a planning commission to include reasonable regulations and provisions for conditional zoning for solar photovoltaic (electric energy) projects of more than five megawatts, as measured in alternating current (AC) generation capacity. The bill authorizes the governing body of such locality to accept a proffered condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit or a rezoning itself, so long as such proffered conditions are reasonably related to the project. The bill also authorizes a zoning ordinance to include reasonable regulations to implement certain provisions related to conditional proffers. Recommend oppose. Oppose the inclusion of specific, non-residential uses in the conditional zoning statutes. (20102659D, 20102704D)

## **Environment and Energy**

**HB 20** (Lindsey) (HLC) directs the Department of Environmental Quality to implement the final carbon trading regulation as approved by the State Air Pollution Control Board in order to establish a carbon dioxide cap and trade program that limits and reduces the total carbon dioxide emissions released by electric generation facilities and that complies with the Regional Greenhouse Gas Initiative model rule. The measure 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 measure 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 assist counties, cities, towns, residents, and businesses affected by recurrent flooding, sea-level rise, and flooding from severe weather events; (ii) to support energy efficiency programs; (iii) to support renewable energy programs; (iv) to provide economic development, education, and workforce training

programs for families and businesses in Southwest Virginia for the purpose of revitalizing communities negatively affected by the decline of fossil fuel production; (v) to the Virginia Natural Resources Commitment Fund to fund the Virginia Agricultural Best Management Practices Cost-Share Program and (vi) for administrative expenses. The measure states that development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight, or from onshore or offshore wind, to achieve the reduction in carbon dioxide emissions is in the public interest and directs Dominion Virginia Power and Appalachian Power to achieve a minimum of 50 percent of the reduction in carbon dioxide emissions through the development of such utility-owned and utility-operated generating facilities utilizing energy derived from sunlight, or from onshore or offshore wind. The measure provides that any retail customer that purchases electric energy from a supplier other than the incumbent electric utility serving the exclusive service territory in which such retail customer is located shall pay a non-bypassable surcharge. The measure also requires the Department to establish an allowance set-aside for any electric generation facility subject to a cap and trade program that operates according to a long-term contract as of January 1, 2020, that prohibits the recovery of allowance costs. Recommend support. (20100461D)

**HB 22** (Lindsey) (HAG)/**HB 382** (Convirs-Fowler) (HAG) changes the Virginia Shoreline Resiliency Fund (the Fund) from a lending program to a grant program. The bill directs the Fund to grant money to localities to enable them to offer cost-sharing programs to help residents and businesses that are subject to recurrent flooding. Recommend support. (20100479D, 20101699D)

**HB 221** (Mugler) (HAG)/**SB 184** (Locke) (SACNR) adds "Chesapeake Bay watershed tree," as defined in the bill, to the types of tree that a locality with a tree conservation ordinance is authorized to designate individually for preservation. Current law allows individual designation of heritage, memorial, specimen, and street trees. The bill contains technical amendments. Recommend support. (20102313D, 20102410D)

**HB 1170** (Poindexter) (HAG) prohibits the Governor or any state agency or political subdivision from adopting any regulation, rule, or guidance document that establishes or authorizes the Commonwealth to join or participate in a regional program addressing emissions from the electric utility sector or transportation sector unless the program requires that all of the proceeds from the sale of emissions allowances be returned to customers in the Commonwealth. Recommend oppose. (20103356D)

**HB 1204** (Tran) (HCCT) prohibits localities from spraying pesticides intended to suppress an infestation of the fall cankerworm on any property unless the owner of the property requests such spraying through an opt-in program operated by the locality. Recommend oppose. (20103495D)

**HB 1464** (Gooditis) (HAG) authorizes the governing body of any locality, by ordinance, to restrict the total nutrient credits that are generated in the locality and used in an adjacent eight-digit hydrologic unit code or fourth order subbasin to comply with stormwater nonpoint nutrient runoff water quality criteria. Recommend support. (20105223D)

*Plastic Bags*

**HB 534** (Carr) (HFIN) authorizes any locality to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. Revenues from the local tax would be collected by the Tax Commissioner and distributed monthly to the locality imposing the tax to be used by such locality for the mitigation of pollution and litter. The bill requires each locality imposing the tax by ordinance to provide a certified copy of the ordinance to the Tax Commissioner at least six months prior to the date the tax is to become effective. The bill also allows every retailer that collects the tax to retain one cent of the five-cent tax. Recommend support. Support effort to reduce waste from plastic bags, but revenue generated should be directed to localities as they are responsible for solid waste management. (20101570D)

**HB 1151** (Lopez) (HFIN) authorizes a locality to prohibit by ordinance the purchase, sale, or provision, whether free or for a cost, of certain single-use products that are not recyclable or compostable and for which there is a suitable and cost-effective compostable or recyclable alternative product available, with certain exceptions. The bill also authorizes any locality to impose a five-cent per item tax on single-use plastics and polystyrene products provided to customers by certain retailers, with certain products being exempt from the tax. The bill directs revenue from the local tax to be used by the locality imposing the tax for cleanup or education programs designed to reduce waste. The bill allows every restaurant or retailer that collects the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner. Recommend support. Support effort to reduce waste from plastic bags, but revenue generated should be directed to localities as they are responsible for solid waste management. (20101671D)

**HB 1673** (Ware) (HFIN) allows localities to impose a five-cent (\$0.05) per bag tax on plastic bags provided to customers by retailers in grocery stores, convenience stores, or drugstores in the Commonwealth. The bill also (i) requires every retailer to provide recycling receptacles at its place of business for such disposable plastic bags and (ii) allows every retailer that collects the tax to retain one cent (\$0.01) of every five cents (\$0.05) collected. The tax is to be administered in the same manner as the retail sales and use tax, and all revenues from the tax shall be deposited in equal sums into the Virginia Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund. Recommend support. Support effort to reduce waste from plastic bags, but revenue generated should be directed to localities as they are responsible for solid waste management. (20104420D)

**SB 26** (Petersen) (SFIN) imposes a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan. The bill also allows every retailer that collects the tax to retain one cent of every five cents collected. Recommend support. Support effort to reduce waste from plastic bags, but revenue generated should be directed to localities as they are responsible for solid waste management. (20100599D)

**Taxation**

**HB 302** (McNamara) (HFIN) repeals the annual litter tax. The bill does not affect any litter tax levied prior to July 1, 2020. Recommend oppose. (20101216D)

*Tobacco Tax*

**HB 1120** (Hope) (HFIN)/**SB 852** (Ebbin) (SFIN) provides that tobacco products, defined in the bill, would be subject to tax at rates of \$1.80 per pack of cigarettes or 39 percent of the wholesale price for all other tobacco products. Current law imposes taxes of \$0.30 per pack of cigarettes, 10 percent of the wholesale price of certain tobacco products, and various weight-based rates that apply to moist snuff and loose leaf tobacco. The bill broadens the definition of "tobacco product" to include electronic smoking devices, which are not taxed under current law. The bill authorizes all localities to tax all tobacco products with no restriction on the tax rate. Under current law, cities may tax only cigarettes, and the Counties of Arlington and Fairfax may tax cigarettes at a rate no higher than the state rate. The bill dedicates portions of revenue accruing as a result of the tax increases and new taxes established by the bill to the Department of Health for its costs related to Quit Now Virginia for the purpose of providing free information and coaching to residents who want to quit smoking or using tobacco; to the Virginia Foundation for Healthy Youth to fund initiatives to prevent or reduce youth tobacco use; the Department of Behavioral Health and Developmental Services to fund initiatives to educate merchants on the laws governing the sale of tobacco products; and to the general fund. Recommend support. (20104565D, 20104343D)

**Vaping**

**HB 1119** (Hope) (HCT) prohibits the sale, distribution, offering for sale or distribution, or causing the sale or distribution of flavored tobacco products, as that term is defined in the bill, and imposes a civil penalty not to exceed \$500 for the first violation, \$1000 for a second violation, \$1,500 for a third violation, and \$2,000 for the fourth or subsequent violation. The bill also provides that, in addition to the civil penalties, a third violation is punishable by suspension of a permit as a stamping agent for a period of 15 days, and a fourth or subsequent violation is punishable by revocation of a permit as a stamping agent and a prohibition on reapplication for a permit to act as a stamping agent for a period of three years. Recommend support. Support efforts to reduce smoking and vaping while ensuring cultural traditions can legally continue. (20104960D)

## **Legislation Provided for Discussion**

### **Affordable Housing**

**SB 834** (McClellan) (SLG) allows certain localities to adopt affordable dwelling unit ordinances. The governing body of any locality, other than localities to which certain current affordable housing provisions apply, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant voluntarily electing to provide such affordable housing. Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing. Any zoning ordinance establishing an affordable housing dwelling unit program may include reasonable regulations and provisions as to any or all of the following: (a) for application of the requirements of an affordable housing dwelling unit program to any site, as defined by the locality, or a portion thereof at one location that is the subject of an application for rezoning or special exception or site plan or subdivision plat that yields, as submitted by the applicant, at an equivalent density greater than one unit per acre and that is located within an approved sewer area; (b) the waiver of any fees associated with the construction, renovation, or rehabilitation of a structure, including building permit fees, application review fees, and water and sewer connection fees; and (c) for standards of compliance with the provisions of an affordable housing dwelling unit program and for the authority of the local governing body or its designee to enforce compliance with such standards and impose reasonable penalties for noncompliance, provided that a local zoning ordinance provide for an appeal process for any party aggrieved by a decision of the local governing body. Any zoning ordinance establishing such affordable housing dwelling unit program shall adopt the regulations and provisions set out in the bill to establish an affordable housing density bonus and development standards relief program. (20104662D)

### **Animals**

**SB 310** (Stanley) (SACNR) requires a public animal shelter to wait three days before euthanizing a dog or cat when a person has notified the shelter of his intent to adopt or take custody of the animal. The shelter must make reasonable efforts to accomplish the release of the animal but is not required hold the animal if it has reason to believe that the animal has seriously injured a human or the animal meets certain other specified conditions for euthanasia. (20101026D)

### **Education and Schools**

**SB 6** (Stanley) (SFIN) provides for a statewide referendum on the question of whether the General Assembly shall issue state general obligation bonds in the amount of \$3 billion for the purpose of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities. The results would be advisory only and are intended only to demonstrate the

preference of the citizens of the Commonwealth on the issuance of such bonds. The referendum would be held at the November 2020 general election. (20100381D)

## **Firearms**

**HB 9** (Bourne) (HPS)/**SB 67** (McClellan) (SJUD) requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 24 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than \$250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm. (20100298D, 20101053D)

**HB 421** (Price) (HPS) grants localities authority to adopt or enforce an ordinance, resolution, or motion governing the possession, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof in the locality. Various provisions limiting such authority are repealed. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides an exception to the requirement that an ordinance enacted regarding the disposition of certain firearms acquired by localities must provide that any firearm received be offered for sale by public auction or sealed bids to a person licensed as a dealer. The bill allows such ordinance to provide that if the individual surrendering the firearm requests in writing that the firearm be destroyed, then such firearm will be destroyed by the locality. (20100939D)

**HB 1312** (Kory) (HPS) prohibits the possession or transport of (i) guns or other weapons designed or intended to propel a missile or projectile of any kind; (ii) frames, receivers, mufflers, silencers, missiles, projectiles, or ammunition designed for use with a dangerous weapon; or (iii) certain other dangerous weapons in any building owned or used by a locality for governmental purposes in the Commonwealth. A violation is punishable as a Class 1 misdemeanor. Currently, the possession or transport of such weapons is prohibited in any courthouse. (20100166D)

**HB 1510** (McQuinn) (HPS) makes it a Class 1 misdemeanor for a first or second offense for a person to transport any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon; or (iii) other dangerous weapon into a building owned or used by the Commonwealth or any agency or political subdivision thereof for governmental purposes. The bill provides exceptions for law-enforcement officers, conservators of the peace, magistrates, court officers, judges, city or county treasurers, commissioners or deputy commissioners of the Virginia Workers' Compensation Commission, authorized security personnel, and active military personnel while in the conduct of such individuals' official duties. The bill requires that notice of the provisions prohibiting the carrying of such weapons be posted at each public entrance to all buildings owned or leased by the Commonwealth or any agency or

political subdivision thereof. A third or subsequent offense of this or certain other firearms offenses is punishable as a Class 6 felony. (20104479D)

### **Green New Deal**

**HB 77** (Rasoul) (HLC) establishes a moratorium, effective January 1, 2021, on approval by any state agency or political subdivision of any approval required for (i) electric generating facilities that generate fossil fuel energy through the combustion of a fossil fuel resource; (ii) import or export terminals for fossil fuel resources; (iii) certain maintenance activities relating to an import or export terminal for a fossil fuel resource; (iv) gathering lines or pipelines for the transport of any fossil fuel resource that requires the use of eminent domain on private property; (v) certain maintenance activities relating to such gathering lines or pipelines; (vi) refineries of a fossil fuel resource; and (vii) exploration for any type of fossil fuel, unless preempted by applicable federal law. The measure also requires that at least 80 percent of the electricity sold by a retail electric supplier in calendar years 2028 through 2035 be generated from clean energy resources. In calendar year 2036 and every calendar year thereafter, 100 percent of the electricity sold by a retail electric supplier is required to be generated from clean energy resources. The clean energy mandates apply to a public utility or other person that sells not less than 1,000 megawatt hours of electric energy to retail customers or generates not less than 1,000 megawatt hours of electric energy for use by the person. The Director of the Department of Mines, Minerals and Energy is authorized to bring actions for injunctions to enforce these requirements. The measure requires the Department to adopt a Climate Action Plan that addresses all aspects of climate change, including mitigation, adaptation, resiliency, and assistance in the transition from current energy sources to clean renewable energy. The measure provides that residents of the Commonwealth and organizations shall have the legal standing to sue to ensure that its provisions and any Climate Action Plan are enforced. The measure requires (a) a 36 percent reduction in electric energy consumption in buildings by 2035; (b) the establishment of job training programs and energy worker protections; (c) transitional assistance for workers in the fossil fuel industry and affected communities; and (d) environmental justice protections. The measure provides that any retail electric supplier that fails to meet any goal or benchmark is liable for a civil penalty equal to twice the cost of the financial investment necessary to meet such goal or mandate that was not achieved, or three times the cost of the financial investment necessary to meet such goal or benchmark that was not achieved if not met in an environmental justice community, defined in the bill. (20102438D)

### **Group Homes**

**HB 597** (Murphy) (HHWI) requires every applicant for licensure or renewal of a license to establish, conduct, maintain, or operate or continue to operate a group home at which services for individuals with mental health or substance use disorder are offered to submit, together with such application, financial information; information about services and staffing; and a statement of (i) the legal name of the applicant and, if the applicant is an association, partnership, limited liability company, or corporation, the names and addresses of its officers, agents, sponsors, partners, shareholders, or members and (ii) the legal name under which the applicant, any entity that operates group homes that is affiliated with or under common ownership or control with the applicant, and any entity that operates group homes and that is affiliated with or under common

ownership or control with any officer, agent, sponsor, partner, shareholder, or member of the applicant to which a license to operate a group home has been issued in any other state, together with a list of the states in which such licenses have been issued and the dates for which such licenses were issued. (20104953D)

**HB 828** (Sullivan) (HCCT) requires that localities not allow certain assisted living facilities and group homes with eight or fewer residents approved by the locality on or after July 1, 2020, to be located within one-quarter mile of such existing assisted living facility or group home, provided such enforcement is in compliance with applicable state and federal fair housing laws. (20101148D)

**HB 829** (Sullivan) (HHWI) requires persons applying for licensure as a group home with the Department of Behavioral Health and Developmental Services to provide notice to the local governing body, the general public, and residential occupants within one-half mile of the proposed location of the group home. The bill requires that such notices include a statement of intent to operate a group home and the address of the proposed location of the group home. The bill also requires (i) the Department to establish and maintain a process for receiving comments regarding such notices and (ii) the Commissioner of Behavioral Health and Developmental Services to consider all comments received within 30 days of the notice when deciding whether to grant the license application. (20101150D)

**HB 855** (Murphy) (HHWI) defines "group home" for the purposes of licensure of private providers by the Departments of Social Services and Behavioral Health and Developmental Services and provides that "group home" does not include any facility licensed by the Department of Health. (20104954D)

**HB 1286** (Murphy) (HHWI) prohibits applicants for licensure as a group home or children's residential facility from reapplying for a license for a period of two years after such applicant has been refused a license three times. (20102192D)

### **Land Use**

**HB 284** (Cole, J.) (HCCT)/**SB 225** (Stuart) (Senate Floor) authorizes any locality, by ordinance, to require the owner of any property located within five feet of any public right-of-way to remove any and all trees, tree limbs, shrubs, high grass, or other substance that might dangerously obstruct the line of sight of a driver, be involved in a collision with a vehicle, or interfere with the safe operation of a vehicle. (20101459D, 20100283D-E)

**SB 839** (Ebbin) (SLG) authorizes a locality to include in its zoning ordinance certain conditions as part of the grant of a special exception that permits development at a floor area ratio (FAR) greater than 1.0 or 25 units per acre, or requires the construction of or improvements to public facilities, public roads, or other publicly owned or managed areas. Such conditions may require a developer, directly or through its contractors, to enter into binding contractual commitments that provide certain protections for the skilled and unskilled workers hired to build the development project. (20103585D)

## **Procurement and Contracts**

**HB 358** (Lopez) (HGL) authorizes any public body, including any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. (20101674D)

**HB 1201** (Tran) (HGL) allows any locality to include in the invitation to bid criteria that may be used in determining whether a bidder possesses the moral and business integrity and reliability that will assure good faith performance that is required of a responsible bidder. Such criteria may include a history or good faith assurances of (i) completion by the bidder and any potential subcontractors of specified safety training programs established the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors in apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws. (20105099D)

**HB 1202** (Tran) (HGL) authorizes any local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. (20104446D)

**HB 1203** (Tran) (HLC) requires contractors and subcontractors under any public contract with a locality 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 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 knowingly or 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 until full restitution has been paid to the individuals. (20104359D)

**SB 8** (Saslaw) (SCL) requires contractors and subcontractors under any public contract with a state agency 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 knowingly or 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. (20100503D)

**SB 180** (Favola) (SCL) requires contractors and subcontractors under any public contract with a state agency 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 knowingly or 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. (20101737D)

**SB 182** (Saslaw) (SGL) repeals the provision enacted in 2012 that requires state agencies to ensure that neither the state agency nor any construction manager acting on its behalf (i) requires or prohibits bidders, offerors, contractors, or subcontractors to enter into or adhere to project labor agreements with labor organizations or (ii) discriminates against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to sign or adhere to project labor agreements on the same or other related public works projects. (20102362D)

### **Taxation**

**HB 679** (LaRock) (HFIN) repeals the property tax exemptions for all nonprofit entities that were granted by the General Assembly by designation, effective July 1, 2025. Any locality may grant property tax exemptions to any such organizations to become effective on or after that date. (20102616D)

### **Transportation**

**HB 621** (Willett) (HTRAN) provides that a locality may, by ordinance, establish a speed enforcement program utilizing an automated speed monitoring system that creates recorded images of vehicles traveling at least 10 miles per hour in excess of the maximum applicable speed limit. The penalty imposed for violating applicable speed limits where such violation is established by recorded images produced by a speed monitoring system cannot exceed \$50. The bill provides that a locality may install and operate a speed monitoring system only at residence districts, school crossing zones, and highway work zones. The procedures for operating a speed monitoring system and issuing summonses to violators and the rights of such violators, including the right to appeal to circuit court, parallel those currently in place for red light violations recorded by photo-monitoring systems at traffic lights. (20104317D)

**HB 631** (LaRock) (HFIN) establishes an income tax deduction starting in taxable year 2020 for tolls paid for travel on Virginia roads. (20100295D)

**HB 642** (LaRock) (HTRAN) requires the Commonwealth Transportation Board, when administering SMART SCALE, to ensure that projects are evaluated for district grant program funds and high-priority funds separately, and that the projects selected in one program do not impact the other program. The bill requires the Board to weight congestion mitigation at at least 55 percent in the Northern Virginia and Hampton Roads highway construction districts. The bill requires that projects eligible for district grant program funds receive a district-specific score and an overall score. (20104059D)

**HB 1216** (Tran) (HTRAN) makes bridges that are subject to repeated flooding eligible for state of good repair funding. Under current law, structurally deficient bridges and highways with deficient pavement conditions are eligible for state of good repair funds. (20100138D)

*Driver's Licenses and Privilege Cards*

**HB 565** (Bloxom) (HTRAN) authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an applicant who (i) has reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months, (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle, and (iii) presents an unexpired passport. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021. (20102137D)

**SB 34** (Surovell) (STRAN) authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an applicant who (i) has reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months; (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle; and (iii) provides an unexpired passport as proof of identity. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and

special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021. (20100564D)

**HB 1211** (Tran) (HTRAN) 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 January 1, 2021, and contains technical amendments. (20103891D)

**SB 643** (Boysko) (STRAN) 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. (20102087D)