



County of Fairfax, Virginia

MEMORANDUM

DATE: January 28, 2020

TO: Board of Supervisors

FROM: Bryan J. Hill, County Executive *[Signature]*

SUBJECT: 2020 Legislative Report No. 1 – Board Legislative Committee Meetings of January 17, 2020, and January 24, 2020

The regular 2020 Session of the Virginia General Assembly convened on January 8, 2020 and is scheduled to adjourn on March 7, 2020. This is a “long” session of 60 days.

The 2020 General Assembly has been very active and the volume of legislation is comparable to years past. As of January 26, 3,126 bills and resolutions have been introduced. The majority of this legislation remains in various subcommittees and is expected to move forward in the coming weeks.

The Legislative Committee met on January 17 and January 24 to consider several issues of importance to the County. The Committee offers the following report and recommendations for action to the Board.

Legislative Committee Actions of January 17, 2020:

Members Present: Legislative Chairman Walkinshaw
Chairman McKay
Supervisor Alcorn
Supervisor Foust
Supervisor Gross
Supervisor Herrity
Supervisor Lusk
Supervisor Palchik
Supervisor Smith
Supervisor Storck

Specific Issues

Update on State Budget: The Committee received a summary of budget items submitted by Governor Northam and their respective impacts on the County, including K-12 education funding, and other proposals related to budget priorities in the County's Legislative Program. More detailed information may be found in the chart provided on "Supplementary Documents" pages 69-83.

Transportation Update Presentation: The Committee received copies of a presentation from Virginia Secretary of Transportation Shannon Valentine on the Governor's legislative transportation package (see handout on "Supplementary Documents" pages 84-99).

Preliminary Analysis of Transit Funding Legislation: The Committee received copies of a preliminary analysis of transit funding legislation (HB 729 and HB 1414) prepared by Northern Virginia Transportation Authority staff (see handout on "Supplementary Documents" page 100).

A State Budget Opportunity to Alleviate Local Fiscal Stress Presentation: The Committee received copies of a presentation prepared by Fiscal Analytics, Ltd., which provided an overview of ways in which the General Assembly could help alleviate local fiscal stress through the 2020-2022 biennium budget (see handout on "Supplementary Documents" pages 101-125).

Governor Northam's Proposed 2020-22 Biennial Budget and Amendments to the 2018-2020 Budget: The Committee received copies of a presentation from Deputy Secretary of Finance Joe Flores providing an overview of Governor Northam's proposed 2020-2022 biennium budget, and amendments to the 2018-2020 budget (see handout on "Supplementary Documents" pages 126-141).

Priority Principles for Reviewing Legislation

1. Adequately fund K-12 education.
2. Restore funding to the Northern Virginia Transportation Authority (NVTA) in an amount equal to what was diverted, to ensure that transportation projects continue to move forward in Northern Virginia after decades of state underfunding.
3. Build upon the successful enactment of significant transportation revenues by the 2013 General Assembly to ensure sufficient funding for transportation needs.
4. Restore the funding partnership between the state and localities through adequate state funding.
5. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.

Specific Legislation

County Initiatives

SB 651 (Boysko) (SFIN) increases from seven to eight the number of members on the policemen's pension and retirement board created in a county that has adopted the urban county executive form

of government (Fairfax County) and increases from two to three the number of members of such board who shall be members of such retirement system and employed by the county police department as sworn police officers and who have been elected by the members of the retirement system who are employed by the police department as sworn police officers. (20104013D)

SB 652 (Boysko) (SFIN) authorizes any person who has been a member of another county retirement system and who withdraws therefrom and becomes a member of the policemen's retirement system established by a county that has adopted the urban county executive form of government (Fairfax County) to purchase membership service credit for service rendered while a member of such other county retirement system by paying into the policemen's retirement system all contributions that would have been due from the person had the person been a member of the policemen's retirement system for each of the years for which membership service credit is sought. The bill contains technical amendments. (20104020D)

SB 868 (Ebbin) (SGL) creates explicit causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. The bill prohibits discrimination in public and private employment and credit on the basis of sexual orientation or gender identity. 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. Additionally, the bill prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran and adds discrimination on the basis of an individual's sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, marital status, or status as a veteran as an unlawful housing practice. The bill makes technical amendments. (20100725D)

Historical Positions of the Board

SUPPORT

Courthouse Security Fee

SB 149 (Howell) (SFIN) increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security. Support; Board has historically supported. (20101599D)

Equal Rights Amendment

HJ 1 (Carroll Foy) (Passed House; SPE)/**SJ 1** (McClellan) (Passed Senate; HPE) ratifies the Equal Rights Amendment to the Constitution of the United States that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. Support; Board has historically supported. (20105798D-H1, 20105431D-S1)

Judgeships

HB 275 (Sullivan) (HCT)/**SB 209** (Petersen) (SFIN) increases from 11 to 12 the maximum number of authorized general district court judgeships in the nineteenth judicial district. The Committee on District Courts recommended the additional judgeship in 2018. Support; Board has historically supported. (20103853D, 20102142D)

June Primary Date

HB 57 (Fowler) (HPE)/**SB 316** (Kiggans) (SPE) changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date. Support; Board has historically supported. (20101716D, 20103661D)

Solar Freedom

HB 572 (Keam) (HLC) promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) removes the one percent cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multi-family residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. Support; Board has historically supported. (20101906D)

HB 912 (Simon) (HLC) promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) removes the one percent cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local

governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to two megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. Support; Board has historically supported. (20103986D)

HB 1184 (Lopez) (HAG) promotes the establishment of distributed solar and other renewable energy. The measure (i) increases the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to 10 percent, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a solar energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of solar energy and states that the distributed generation of solar electricity is in the public interest, and the State Corporation Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest. Support; Board has historically supported. (20104922D)

SB 710 (McClellan) (SCL) promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) increases from one percent to 10 percent the systemwide cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting

distributed generation of renewable energy. Support; Board has historically supported. (20104871D)

Taxation

HB 785 (Watts) (HFIN) equalizes city taxing authority and county taxing authority by granting a county the same authority to impose taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds without limitation on the rate that may be imposed. The bill authorizes all counties to impose an admissions tax with no restriction on the rate. Under current law, only certain counties may impose an admissions tax, and the rate generally is capped at 10 percent. Under current law, all cities may impose the tax with no restriction on the rate. The bill authorizes all counties to impose a transient occupancy tax with no limitation on the rate that may be imposed. Under current law, counties generally are limited to a maximum rate of two percent, although certain counties may impose the tax at higher rates. The bill provides that, unless otherwise provided by law prior to January 1, 2020, the revenue from a tax rate above two percent up to five percent is restricted to tourism purposes and tax rates above five percent may be used as general revenue. The bill authorizes all counties to impose a cigarette tax with no restriction on the rate. Under current law, only Arlington County and Fairfax County may impose a cigarette tax, and the rate is limited to 30 cents per pack. Under current law, all cities may impose the tax with no restriction on the rate. The bill eliminates the limit of four percent on a county food and beverage tax (commonly referred to as the meals tax). Under current law, such limit applies to counties but not cities. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. Under current law, such requirement applies to counties but not cities. Support; Board has historically supported. (20104813D)

True Costs of Education Study

SJ 57 (Lewis) (SRUL) directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality. Support; Board has historically supported. Fairfax County's Legislative Program includes support for adequate K-12 education funding. (20103928D)

Virginia Fair Housing Law

HB 3 (McQuinn) (HGL) adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity." Support; Board has historically supported. (20100744D)

HB 6 (Bourne) (HGL) adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity. Support; Board has historically supported. (20100177D)

HB 217 (Convis-Fowler) (HGL) adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity." Support; Board has historically supported. (20101469D)

HB 357 (Lopez) (HGL) adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity. Support; Board has historically supported. (20101644D)

SB 66 (McClellan) (SGL) adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity." Support; Board has historically supported. (20101054D)

New Bills – 2020 GA

Miscellaneous

HB 1391 (Leftwich) (HCT)/**SB 253** (Chafin) (SJUD) specifies that a trustee under a deed of trust has only the duties, rights, and obligations imposed and conferred on it by the deed of trust or by statute. This bill is in response to *Crosby v. ALG Trustee, LLC*, 296 Va. 561 (2018). Oppose. (20102582D, 20102906D)

SB 40 (DeSteph) (SFIN) provides that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if such coverage does not result in a premium increase. Under current law, such children are not eligible regardless of the effect on premiums. Support. (20100676D)

Administration of Government

HB 1534 (Samirah) (HCCT)/**SB 649** (Boysko) (Senate Floor) authorizes the board of supervisors of any county that has adopted the urban county executive form of government to enter into agreements with towns located partially or wholly within such county for the collection and enforcement of real or personal property taxes by the county official responsible for assessment or collection of taxes. The authority granted to such counties is similar to authority granted to Loudoun County under existing law. Support. (20105339D, 20105082D)

SB 631 (Surovell) (SLG) provides that Fairfax County and Arlington County may, by ordinance, provide that it is unlawful for any person to place, leave, or abandon on any real property in the county, or within specified districts within the county, any shopping cart. The bill requires such ordinance to provide that any such shopping cart that remains on the real property after a notice of violation is given to the owner of such shopping cart shall be presumed to be abandoned and subject to removal from the real property by the county or its agents without further notice. In the event that any such shopping cart is so removed, the cost of removal, including the cost of disposal, shall be charged to the owner of the shopping cart. The bill also authorizes such ordinance to

prohibit possession of a shopping cart outside of the designated premises when the owner has posted notice of such prohibition. Such ordinance may provide for a civil penalty of not more than \$500. Support. The County supports expanded local authority but has concerns about its ability to implement this authority. (20104457D)

Animals

HB 1552 (Levine) (HAG)/**SB 272** (Bell) (SACNR) provides that outdoor tethering of an animal does not meet the requirement that an animal be given adequate shelter if it occurs (i) between 10 p.m. and 6 a.m., except when the animal is engaged in conduct related to an agricultural activity; (ii) when no owner is on the property; (iii) when the temperature is 32 degrees Fahrenheit or lower, or 85 degrees Fahrenheit or higher; (iv) during a heat advisory; or (v) during a severe weather warning. The bill increases certain minimum tether length requirements to meet the requirement that an animal be given adequate space by requiring that a tether be at least 15 feet in length or four times the length of the animal, whichever is greater. Current law requires the tether to be at least 10 feet in length or three times the length of the animal, whichever is greater. The bill also authorizes the governing body of any locality to adopt, and make more stringent, ordinances that parallel certain state provisions related to care of companion animals. Support. The County supports the expanded authority for the care of companion animals but does not support the tethering provisions. (20105457D, 20103262D)

Transportation

HB 16 (Krizek) (HTRAN) requires all occupants of motor vehicles to utilize a safety belt system. Current law requires the use of safety belts only by (i) occupants under the age of 18, (ii) drivers, and (iii) passengers 18 years of age or older occupying the front seat. The bill changes a violation of safety belt system requirements by a person occupying a front seat from a secondary offense to a primary offense. Support. (20100628D)

SB 276 (Barker) (STRAN) requires all occupants of motor vehicles to utilize a safety belt system. Current law requires the use of safety belts only by (i) occupants under the age of 18, (ii) drivers, and (iii) passengers 18 years of age or older occupying the front seat. The bill changes a violation of safety belt system requirements from a secondary offense to a primary offense. Support. (20103297D)

HB 364 (Cole, M.) (HTRAN)/**HB 620** (Cole, J.) (HTRAN) requires the Commonwealth Transportation Board, when evaluating projects under the statewide prioritization process known as SMARTSCALE, to evaluate (i) congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays, and (ii) accessibility on the basis of the area of influence of a project for a radius of 55 miles. Oppose. (20103873D, 20103914D)

HB 619 (Cole, J.) (HTRAN) requires that a minimum of \$1 million annually be allocated to Fredericksburg Regional Transit from the Commonwealth Mass Transit Fund. The funding is contingent on localities served by Fredericksburg Regional Transit continuing to support

Fredericksburg Regional Transit by at least the amount of funding provided in the fiscal year beginning July 1, 2019. Oppose. (20101564D)

HB 677 (LaRock) (HTRAN) requires the Department of Transportation, upon completion of the Interstate 66 widening project, to activate reverse tolling on Interstate 66. The bill requires all such tolls and all toll revenue collected on Interstate 66 inside the beltway and the high-occupancy toll lanes on Interstate 395 to be directed to the Northern Virginia Transportation Authority. Oppose. (20102275D)

HB 1389 (LaRock) (HTRAN) requires affirmative authorization by the General Assembly in an appropriation act for any funds in the Commonwealth, including local and regional funds and toll revenues, to be used for a transportation project physically located outside of the Commonwealth. Oppose. (20104309D)

HB 1511 (McQuinn) (HTRAN)/**SB 916** (Marsden) (STRAN) the bill raises from \$25 to \$30 the additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday. The bill requires localities in Planning District 8 and Planning District 16 to set such additional fee at between \$25 and \$30. Current law requires such localities to set such additional fee at \$25. Monitor. (20104626D, 20104641D)

SB 277 (Barker) (SFIN) establishes, starting in taxable year 2020, an individual and corporate income tax deduction for commuter benefits, defined in the bill, provided by an employer to its employees. The deduction is available only to the employer and is limited to \$265 per employee. Support. (20103304D)

SB 759 (Marsden) (STRAN) authorizes law-enforcement officers to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such photo speed monitoring device. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred. Support. (20105147D)

SB 848 (Ebbin) (SRUL) changes from November 1 to December 15 the annual reporting date of the Northern Virginia Transportation Commission to the Governor and the General Assembly regarding the performance of the Washington Metropolitan Area Transit Authority. Support. (20102147D)

Peer-to-Peer Vehicles

HB 891 (Sickles) (HTECH)/**SB 749** (Cosgrove) (SCL) establishes taxation, insurance coverage, sale of insurance, disclosure, safety recall, airport operation, and recordkeeping requirements for peer-to-peer vehicle sharing platforms, as defined in the bill. Support. Support efforts to provide taxation parity with existing rental vehicle services. (20105150D, 20105235D)

HB 892 (Sickles) (HFIN)/**SB 750** (Cosgrove) (SFIN) provides that peer-to-peer vehicle sharing platforms, as defined in the bill, are renters for the purposes of taxation. Support. Support efforts to provide taxation parity with existing rental vehicle services. (20102554D, 20102741D)

Elections

Absentee Voting

SB 111 (Howell) (Senate Floor) permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. Support. Collaborate with stakeholders to ensure bills can be successfully implemented. (20105793D-S1)

HB 1 (Herring) (HPE)/**HB 25** (Lindsey) (HPE)/**HB 209** (Murphy) (HPE) permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. Support. Collaborate with stakeholders to ensure bills can be successfully implemented. (20101095D, 20100509D, 20101232D)

Firearms

HB 812 (Ward) (HPS)/**SB 69** (Locke) (Passed Senate) prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. Support. (20103354D, 20105654D-S1)

HB 1083 (Hayes) (HPS)/**SB 581** (Howell) (SJUD) provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor. Support. (20102956D, 20102952D)

SB 35 (Surovell) (Passed Senate) authorizes a locality to adopt an ordinance prohibiting the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof in any building owned or used by such locality for governmental purposes, in public parks owned by the locality, or in any public street, road, alley, sidewalk or public right-of-way or any other place that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The bill allows such ordinance to include a provision for security measures designed to reasonably prevent unauthorized access of such areas by a person with a firearm, ammunition, or components or combination thereof. The bill requires a locality to post notice of any such prohibition at all entrances of buildings used for governmental purposes, at all entrances to public parks owned by this locality, and at all entrances or other appropriate places of ingress and egress to any public street, road, alley, sidewalk or public right-of-way that is open to the public and being used by or adjacent to a permitted event or an event that would otherwise require a permit. The bill also provides that a locality adopting an ordinance regarding the disposition of certain acquired firearms must destroy the firearm unless the person surrendering the firearm requests in writing that the firearm be offered for sale by public auction or sealed bid to a person licensed as a dealer. The bill also repeals the statute prohibiting localities from suing a firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association for damages, abatement, injunctive relief or any other remedy resulting from or relating to the lawful design, marketing, manufacture, distribution, sale, or transfer of firearms or ammunition to the public. Support. (20105646D-S1)

Health and Human Services

HB 93 (Kory) (HFIN) prohibits the sale or distribution of flavored tobacco products, defined in the bill, and creates a civil penalty of \$1,000 for a first offense and \$5,000 for a second or subsequent offense. Support. (20100213D)

HB 1174 (Lopez) (HED) requires each local school board to adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers in every school in the local school division, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of albuterol inhalers for any student believed in good faith to be in need of such medication. The bill limits the liability of (i) any such individual who provides, administers, or assists in the administration of an albuterol inhaler for a student believed in good faith to be in need of such medication and (ii) the prescriber of such medication. Oppose. (20103635D)

HB 1214 (Simonds) (HHWI)/**SB 117** (Favola) (SRSS) reduces from five to three the number of children for whom a family day home must obtain a license to provide child care services. Amend. Amend to allow Fairfax County to maintain its current local permitting program. (20102193D, 20102365D)

SB 151 (Stuart) (SEH) excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school

division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12. Oppose. Potential fiscal impact to Fairfax County is \$16.3 million to achieve the goal of one full-time equivalent nurse in every school, and \$22.6 million to achieve the goal of one full-time equivalent nurse per 550 students, based on the current staffing model. (20101419D)

SB 297 (Favola) (SRSS) creates the Virginia Sexual and Domestic Violence Prevention Fund, which shall be administered by the Department of Social Services, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, and used to develop and support programs that prevent sexual and domestic violence through strategies that (i) promote healthy practices related to relationships, sexuality, and social-emotional development and (ii) counteract the factors associated with the initial perpetration of sexual and domestic violence. Support. (20103455D)

SB 768 (Barker) (SRUL) directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish a work group to (i) review the current process for conducting evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention, including any challenges or barriers to timely completion of such evaluations and factors giving rise to delays in completion of such evaluations, and (ii) develop a comprehensive plan to expand the categories of individuals who may conduct evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention in order to expedite the evaluation process. The work group shall report its findings and conclusions and the comprehensive plan to the Governor and the Chairmen of the House Committee on Health, Welfare, and Institutions, Senate Committee on Education and Health, and Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. Amend. Amend to include input from local CSB practitioners and analysis of processes used in other states. (20103578D)

Land Use

HB 151 (Samirah) (HCCT) provides that all localities shall allow for the development and use of one accessory dwelling unit (ADU) per single-family dwelling (SFD), notwithstanding any contrary provision of a zoning ordinance. The bill defines "accessory dwelling unit" or "ADU" as an independent dwelling unit on a single-family lot with its own living, bathroom, and kitchen space that may be within or attached to SFDs or in detached structures on lots containing SFDs. ADUs may include basements, attics, flats, guest houses, cottages, and converted structures such as garages and sheds. The bill requires localities to regulate the size and design of ADUs through an approval process, as well as regulate fees, parking, and other requirements, provided that the regulations (i) are not so arbitrary, excessive, or burdensome, individually or cumulatively, as to unreasonably restrict the ability of property owners to utilize or create ADUs and (ii) do not require the property owner to occupy the ADU or SFD as his primary residence. Oppose. (20104473D)

HB 152 (Samirah) (HCCT) requires all localities to allow development or redevelopment of "middle housing" residential units upon each lot zoned for single-family residential use. Middle housing is defined as two-family residential units, including duplexes, townhouses, cottages, and

any similar structure. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized residential uses. Localities may regulate the siting, design, and environmental standards of middle housing residential units, including setback requirements, provided that the regulations do not, individually or cumulatively, discourage the development of all two-family housing types permitted through unreasonable costs or delay. Oppose. (20104474D)

HB 657 (Heretick) (HLC)/**SB 893** (Marsden) (SLG) exempts a solar facility that is 150 megawatts or less from the requirement that it be reviewed for substantial accord with a locality's comprehensive plan. Oppose. (20102662D, 20102707D)

HB 726 (Reid) (HCCT)/**SB 746** (Bell) (SLG) extends the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment from 90 to 180 days. Support. (20104803D, 20105016D)

HB 173 (Krizek) (HAG) directs the Department of Game and Inland Fisheries not to license any stationary waterfowl blind in any area in which a local governing body prohibits by ordinance the hunting of birds with a firearm. Support. (20100497D)

SB 435 (Surovell) (SACNR) directs the Department of Game and Inland Fisheries not to license any stationary waterfowl blind in any area in which a local governing body prohibits by ordinance the hunting of birds with a firearm. Support. (20105779D-S1)

SB 589 (Hanger) (SLG) requires zoning administrators to provide notice of all decisions and determinations to the agents or occupants of property abutting or across the road from the affected property. Oppose. (20100255D)

Eminent Domain

SB 31 (Petersen) (SJUD) provides that the costs of filing a petition with the court for the distribution of the funds due pursuant to an eminent domain proceeding shall be taxed against the condemnor. The bill also provides that the interest rate on the funds represented by a certificate of deposit from the date of filing of the certificate until the funds are paid into the court shall not be less than the judgment rate of interest. Finally, the bill reorganizes for clarity the provisions governing what happens upon recordation of a certificate by the Commissioner of Highways in a condemnation proceeding. Monitor. (20100604D)

SB 485 (DeSteph) (SJUD) repeals the provision of the Code of Virginia declaring that the acquisition of residual parcels when acquiring land for highway rights-of-way is in the public interest and is a public use. The bill provides a property owner with the ability to decide whether acquisition would create an uneconomic remnant or whether the damage to the remainder of a piece of acquired property would equal or exceed the fair market value of the remaining land. Oppose. (20104245D)

Environment and Energy

SB 532 (Edwards) (SCL) exempts sellers under third-party power purchase agreements from being defined as a public utility, public service corporation, public service company, or electric utility solely because of the sale of electricity or ownership or operation of a distributed generation facility. The measure provides that the sale of electricity generated at a distributed energy facility by a person that is not a public utility, public service corporation, or public service company to a customer that is purchasing or leasing the distributed energy facility under the terms of a third-party power purchase agreement does not constitute the retail sale of electricity. The measure proscribes State Corporation Commission regulation of the sale of electric energy that is generated on site by a distributed generation facility pursuant to a third-party power purchase agreement. The measure also repeals the pilot program initially enacted in 2013 that authorized Dominion Energy to enter into certain third-party power purchase agreements providing financing of certain renewable generation facilities. Support. (20102819D)

SJ 32 (Bell) (SRUL) requests the Department of Environmental Quality to study the impact of electric vehicles and develop a Clean Transportation Plan. Support with amendment to encourage consideration of the impact on transportation revenue resulting from the increase in use of electric vehicles. (20104293D)

Plastic Bags

SB 11 (Ebbin) (SFIN) authorizes any locality to impose a tax of five cents per bag on disposable paper bags or disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain one cent of the five-cent tax. Support. (20100728D)

SB 193 (Favola) (SLG) 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. Support. (20101425D)

SB 198 (Locke) (SLG) allows any locality by ordinance to prohibit the distribution, sale, or offer for sale of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness, bags that are used to carry certain products, such as ice cream or newspapers, and garbage bags that are sold in multiples. Support. (20101662D)

Procurement

HB 1078 (Hope) (HGL) provides that a public body may include a proposer's employment of persons with disabilities to perform the specifications of the contract as a factor in evaluating a proposal. Support. (20104594D)

SB 475 (Bell) (SGL) authorizes any public body to procure construction on a best value procurement basis using a numerical scoring system consisting of the following: (i) technical solution, 30 percent; (ii) past performance, 30 percent, including (a) price history of cost overruns, (b) schedule history of on-time delivery, and (c) contractor performance ratings from the immediately preceding five-year period; and (iii) price, 40 percent. The Request for Proposal shall contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis. The Request for Proposal shall describe (1) the criteria that will be considered in evaluating the proposals and (2) the numerical scoring system that will be used in evaluating the proposals, including identification of the factors and weight values set forth in the bill. Support. (20102619D)

Public Safety/Criminal Justice

Unmanned Aircraft Systems

HB 311 (Gooditis) (HTECH)/**HB 742** (Bulova) (HTECH) authorizes a political subdivision to adopt time, place, or manner restrictions regarding the takeoff or landing of unmanned aerial systems on property owned by the political subdivision. Support. Support concept of providing authority for political subdivisions to adopt restrictions regarding takeoff and landing of unmanned aerial systems on their property. Collaborate with stakeholders to ensure language of bill accomplishes this goal. (20101775D, 20102308D)

HB 1227 (LaRock) (HTECH) authorizes a political subdivision to adopt time, place, or manner regulations regarding the takeoff or landing of unmanned aerial systems on property owned by the political subdivision, provided such regulations are narrowly tailored to protect the health, safety, and welfare of the public. Takeoff and landing regulations adopted by a political subdivision shall not apply to persons authorized by federal regulations to operate an unmanned aircraft system provided such system is operated in an otherwise lawful manner and consistent with federal regulations. A political subdivision shall annually report to the Department of Aviation any regulations adopted pursuant to this section. Support. Support concept of providing authority for political subdivisions to adopt restrictions regarding takeoff and landing of unmanned aerial systems on their property. Collaborate with stakeholders to ensure language of bill accomplishes this goal. (20105013D)

Taxation

HB 948 (Webert) (HFIN) provides that any locality that levies license taxes shall be prohibited from increasing the rate of those taxes above the rate imposed as of January 1, 2020. The bill also

prohibits any locality that does not levy license taxes from levying such a tax in the future. Oppose. (20104260D)

HB 977 (Krizek) (HFIN) removes the four percent limit on the tax rate that counties may impose on food and beverages. The bill also removes the requirement that a county hold a referendum before imposing such a tax. Support. (20105088D)

Workers' Compensation

HB 438 (Heretick) (HLC) provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, which includes an event occurring in the line of duty on or after July 1, 2020, in which a law-enforcement officer or firefighter views a deceased minor, witnesses the death of a person or an incident involving the death of a person, witnesses an injury to a person who subsequently dies, has physical contact with and treats an injured person who subsequently dies, transports an injured person who subsequently dies, or witnesses a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in permanent disfigurement of the victim. Other conditions for compensability include (i) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (ii) if the law-enforcement officer's or firefighter's undergoing a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (iii) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (iv) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure establishes procedural requirements on employers that contest a claim for such benefits. The measure also establishes requirements for resilience and self-care technique training. Support. (20102221D)

SB 561 (Vogel) (SFIN) provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, which includes an event occurring in the line of duty on or after July 1, 2020, in which a law-enforcement officer or firefighter views a deceased minor, witnesses the death of a person or an incident involving the death of a person, witnesses an injury to a person who subsequently dies, has physical contact with and treats an injured person who subsequently dies, transports an injured person who subsequently dies, or witnesses a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in permanent disfigurement of the victim. Other conditions for compensability include (i) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (ii) if the law-enforcement officer's or firefighter's undergoing a

qualifying event was a substantial factor in causing his post-traumatic stress disorder; (iii) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (iv) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure establishes procedural requirements on employers that contest a claim for such benefits. The measure also establishes requirements for resilience and self-care technique training. Support. (20105715D-S1)

Legislation Provided for Discussion

Administration of Government

HB 636 (LaRock) (HCCT) requires a county to provide the same and equal services to residents of incorporated towns within the county as are provided to other residents of the county. However, if the local governing body of a town adopts a resolution that provides that the town shall provide a specific service and sends a copy of the resolution to the local governing body of the county, a county shall not be required to provide that service to town residents. Oppose. (20100847D)

Affordable Housing

SB 638 (Surovell) (SLG) provides that in any locality with an existing or planned Metrorail station, such locality shall require that at least 10 percent of new residential dwelling units in any building that is at least six stories in height be affordable dwelling units, defined in the bill, if the proposed project is within one-half mile of an existing or planned Metrorail station. Oppose. (20101041D)

Transportation

HB 283 (Cole, J.) (HTRAN) prohibits construction or maintenance that blocks a lane of travel on a primary or interstate highway between 6:00 a.m. and 6:00 p.m. Monitor. (20101687D)

HB 983 (Delaney) (HTRAN) authorizes traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to be equipped with flashing red or red and white secondary warning lights. Monitor. (20104763D)

SB 644 (Boysko) (STRAN) adds traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to a list of vehicles exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident. The bill also allows such vehicles to be equipped with sirens and flashing red or red and white secondary warning lights. Monitor. (20102092D)

HB 1293 (Helmer) (HTRAN) prohibits the use of state funds for the extension of Shirley Gate Road in Fairfax County until the intersection at Popes Head Road and Fairfax County Parkway has been redesigned and the traffic light removed. Oppose. (20101490D)

Transit Funding

HB 729 (Watts) (HFIN)/**SB 899** (Saslaw) (SFIN) raises the existing regional transportation fee, a grantor's tax, from \$0.15 per \$100 to \$0.20 per \$100 for localities in the Northern Virginia Transportation Authority that are also members of the Northern Virginia Transportation District. The bill requires half of the revenues to be deposited in the Northern Virginia Transportation Authority Fund and half to be deposited in the Washington Metropolitan Area Transit Authority (WMATA) Capital Fund. The rate of tax in the other localities will remain at \$0.15 per \$100, with one-third of the revenues to be retained by the locality to be used for transportation purposes and the other two-thirds to be deposited in the Northern Virginia Transportation District Fund. The bill also raises the existing transient occupancy tax in the localities located in the Northern Virginia Transportation District from \$2 to \$3, with all of the revenues from the tax being used to support WMATA. (20101892D, 20101937D)

HB 1414 (Filler-Corn) (HTRAN)/**SB 890** (Saslaw) (SFIN) amends numerous law related to transportation funds, revenue sources, construction, and safety programs. The bill adopts numerous structural changes to the transportation funding system in the Commonwealth that will be phased in over four years. Most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund, and then disbursed to subfunds. The existing gas tax based on a percentage is converted to a cents-per-gallon tax. A rate of \$0.282 per gallon of gasoline will be phased in over three years, and then annually indexed. The regional gas tax will be converted from a percentage to cents per gallon (\$0.076). Registration fees for motor vehicles will be lowered. The Department of Motor Vehicles (DMV) will implement a Highway Use Fee for alternative fuel and fuel efficient vehicles, with an option for those whose vehicles subject to this fee to instead enroll in a mileage-based user fee program to be developed by DMV. In Northern Virginia, the regional transportation improvement fee, used to support WMATA, is lowered to \$0.10 per \$100 for the recordation of conveyance of a deeds. A new regional congestion fee is imposed at a rate of \$0.15 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from \$2 to \$3. The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System, and authorizes a bond issuance for improvements in the Interstate 81 and Interstate 66 corridors. The bill establishes a new Virginia Passenger Rail Authority. The bill adopts several safety initiatives, including: (i) making it illegal to possess an open container of alcohol in a motor vehicle, (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense, (iii) prohibiting the use of handheld personal communication devices, (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine, and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. The DMV Commissioner will establish an advisory committee to oversee education and enforcement of policies such as the seatbelt and hands-free provisions. The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Virginia Highway Safety Improvement Program, the Robert O. Norris Bridge and Statewide Special Structures Program, and a Transit Incentive Program. (20103440D, 20103443D)

HB 1586 (Watts) (HAPP) provides that increases in service approved by the Washington Metropolitan Area Transit Authority Board shall not be included in the calculation of the annual increase in total operating expenses included in an approved WMATA budget. Monitor. (20105593D)

Legislation Requiring Further Review

SB 188 (Peake) (SRUL) requires legislation with a negative local fiscal impact to be filed no later than the December 15 immediately preceding the first day of a regular session of the General Assembly. If a standing committee of the General Assembly to which a bill is referred that was not introduced by December 15 determines that a bill has a negative local fiscal impact, the bill shall be rereferred to the House or Senate Committee on Rules as appropriate. If the Committee on Rules determines that there is a negative local fiscal impact, the bill shall be ruled out of order. The bill also requires the Commission on Local Government to work with the Virginia Association of Counties and the Virginia Municipal League to develop processes and procedures for a review of fiscal impact of legislation. (20104186D)

SB 383 (McPike) (SLG) requires an individual who is compensated to influence or attempt to influence a local government officer or employee regarding local government action to provide notice of such status to the clerk of the local governing body of the county, city, or town in which the officer or employee serves. The bill requires the notice to be provided to the clerk within 15 days after first communicating or attempting to communicate with a local government officer or employee, along with a \$25 fee to be deposited in the general fund of the locality. The notice shall include the name, telephone number, and business address of the compensated individual and shall identify the local government action for which approval is sought. All notices shall expire one calendar year after being filed with a local clerk. The bill requires the notice to be kept as a public record by the clerk for five years. A violation of this requirement is a Class 1 misdemeanor. (20103544D)

SB 465 (Reeves) (Senate Floor) expands the scope of permitted in-kind donations by a locality to include the provision of in-kind resources for contract management services for capital projects; assistance in preparing requests for information, bids, or proposals; and budgeting services to any association or other organization furnishing voluntary firefighting services or a nonprofit or volunteer emergency medical services agency. (20102326D)

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)

SB 669 (Boysko) (SACNR) prohibits any person from breeding a dog or cat for the express purpose of producing offspring for (i) use in research, experimentation, or testing that is not required pursuant to federal law or regulation or (ii) sale to a manufacturer, institution of higher learning, or contract testing facility outside the United States. (20105138D)

Courts

HB 127 (Miyares) (HCT)/**SB 285** (Deeds) (SJUD) provides that a bystander who witnesses, live and in-person, an event during which the intentional or negligent infliction of injury to or death of a victim occurs may recover damages for resulting emotional distress, proven by a preponderance of the evidence, with or without a physical impact or physical injury to the bystander, if (i) the bystander is related to the victim or (ii) although not related to the victim, the bystander is in close proximity to the victim at the time the event occurs and is aware that such event is causing injury to or the death of the victim. (20101772D, 20101719D)

SB 133 (Stuart) (SJUD) allows a court to defer and dismiss a criminal case where the defendant has been diagnosed with autism or an intellectual disability. (20101156D)

SB 305 (Stanley) (SJUD) provides that any law-enforcement officer shall, if practicable, make an audiovisual recording of any custodial interrogation of a person conducted in a place of detention. The bill provides that if an audiovisual recording is unable to be made, the law-enforcement officer shall make an audio recording of the custodial interrogation. The bill provides that the failure of a law-enforcement officer to make such a recording shall not affect the admissibility of the statements made during the custodial interrogation, but the court or jury may consider such failure in determining the weight given to such evidence. This bill is a recommendation of the Virginia Criminal Justice Conference. (20100960D)

SB 334 (Stuart) (SJUD) creates the Virginia Board for Court Reporters as an independent board to establish the qualification of applicants for licensure or registration of court reporters in the state. Beginning July 1, 2021, no person may engage in or offer to engage in work as a court reporter unless he has been licensed by the Board. The bill establishes principles of conduct for court reporters and creates the Board for Court Reporters Fund to receive licensing and registration fees to fund the licensure and registration program. (20103488D)

SB 375 (Edwards) (SJUD) provides that a person claiming immunity from certain claims for making statements at a public hearing or regarding matters of public concern may file a special plea to dismiss the underlying claim. The bill further provides that, upon the filing of such a plea, discovery related to such underlying claim shall be stayed pending the entry of an order adjudicating the plea. The bill changes from discretionary to mandatory the award of attorney fees to any person who has a suit dismissed against him due to the immunity. (20102358D)

SB 401 (Hashmi) (SJUD) allows for the award of reasonable attorney fees and costs to any person who has a subpoena against him quashed in an action for statements made at a public hearing before the governing body of a locality or other local entity when he is immune from liability for such statements. Current law provides for the award of attorney fees and costs upon the dismissal of such an action. (20100737D)

SB 483 (DeSteph) (SJUD) provides that any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission interferes with such child's contact and relationship with the other parent, guardian, or other person responsible for the care

of such child, including unreasonably denying the other parent, guardian, or other person responsible for the care of such child access to or visitation with such child, is guilty of a Class 6 felony. (20104057D)

SB 491 (Surovell) (SJUD) removes provisions requiring (i) jail officers to ascertain the citizenship of any inmate taken into custody at a jail, (ii) probation and parole officers to inquire as to the citizenship status of an individual convicted of a felony in circuit court and referred to such officers, and (iii) officers in charge of correctional facilities to inquire as to the citizenship of any person committed to a correctional facility, and therefore such information is not required to be reported to the Central Criminal Records Exchange of the Department of State Police. The bill also removes the mandatory duty of the clerk of a court committing a convicted alien to a correctional facility to furnish related court records to a United States immigration officer and the requirement that an intake officer report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security any juvenile detained on an allegation that the juvenile, believed to be in the United States illegally, committed a violent felony. (20104908D)

SB 618 (Deeds) (SJUD) provides that any court may refer a defendant to a local specialty docket if such specialty docket exists within that jurisdiction. The bill provides that a court that has received a referral shall have jurisdiction over the defendant for any matter that does not dispose of a charge or defense for the duration of the referral and shall enter an order making a recommendation for disposing the matter, including any proposed findings of fact, at the end of the referral or any other time as necessary. (20104266D)

SB 684 (Mason) (SJUD) responds to the holding in *Paugh v. Henrico Area Mental Health and Developmental Services*, Record No. 121562 (2013), in which the Supreme Court of Virginia held that on appeal by trial de novo in circuit court of an order of involuntary commitment by a district court, upon the circuit court's finding that the appellant no longer meets the criteria for involuntary commitment, the proper remedy is dismissal of the Commonwealth's petition for involuntary commitment, thereby rendering the original commitment order a nullity. As such, because the original petition would in effect never have existed, forfeiture of the right to possess a firearm as required by § 18.2-308.1:3 upon involuntary commitment would no longer be in effect. Section 18.2-308.1:3 requires that a person who has been involuntarily committed and seeks to have his firearm rights restored petition a district court for restoration of his firearm rights. The ruling in *Paugh*, by requiring dismissal of the original petition for commitment, removes that requirement even though on the date of the original commitment hearing the person did meet the criteria for commitment and was, in fact, involuntarily committed. The bill provides that notwithstanding the outcome of any appeal (trial de novo on the petition for commitment) taken pursuant to § 37.2-821, the appellant shall be required to seek restoration of his firearm rights. The bill also provides that upon a finding by the circuit court that the appellant no longer meets the criteria for involuntary commitment or mandatory outpatient treatment, the court shall reverse the order of the district court but shall not dismiss the Commonwealth's petition. As a consequence of these changes, a person who is involuntarily committed would be required to petition for restoration of his firearm rights notwithstanding the reversal of the commitment order by a circuit court. (20104751D)

Court Fines

HB 266 (Heretick) (HCT) eliminates the accrual of interest on any fine or costs imposed in a criminal case or in a case involving a traffic infraction. The bill provides that any such fine or costs that have accrued interest prior to July 1, 2020, shall cease to accrue interest on July 1, 2020, and such accrued interest may be waived by any court. A person who owes fines and costs on which interest has accrued may move any court in which he owes fines and costs to waive the interest that accrued on such fines and costs and shall have such interest waived for any period of incarceration. (20100931D)

HB 277 (Price) (HCT) allows courts to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work during imprisonment. Under current law, credit may be earned only for the performance of community service work completed before or after imprisonment. (20102588D)

SB 1 (Stanley) (SJUD) 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. (20100383D)

SB 736 (Obenshain) (SJUD) provides that a court may permit an inmate to earn credits against any fines and court costs imposed against him by performing community service. Under current law, credits may be earned only before or after imprisonment. (20103394D)

Expungement

HB 91 (Cole, M.) (HCT) allows a person convicted of certain offenses, or charged with such offenses which charges were deferred and dismissed, who was under 21 years of age at the time of the offense, and who has successfully completed all terms of probation to file a petition for expungement after at least seven years have passed since (i) the date of dismissal of the charge; (ii) the date of conviction, if no active sentence of incarceration was imposed; or (iii) the date of completion of an active sentence of incarceration, if an active term of incarceration was imposed as a result of the conviction. Any conviction that is expunged will be considered a prior conviction for purposes of prosecution of any subsequent offense for which the prior conviction statutorily enhances punishment. Convictions for violent felony offenses and offenses for which registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for expungement under the bill. (20102579D)

HB 102 (Lindsey) (HCT) allows a person to petition for expungement of convictions and deferred disposition dismissals for simple larceny or concealment of goods or merchandise when

(i) the goods or merchandise consisted of food or medically necessary supplies, (ii) the offense occurred prior to the person's twenty-first birthday, and (iii) five years have passed since the date of completion of all terms of sentencing and probation. (20101397D)

HB 254 (Simon) (HCT) allows a person to petition for expungement of a deferred disposition dismissal for underage alcohol possession or using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday, all court costs and fines and orders of restitution have been satisfied, and the person seeking the expungement is at least 21 years of age and has no other alcohol-related convictions. The bill provides that any person seeking expungement of an alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20101845D)

HB 255 (Simon) (HCT) allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday; all court costs, fines, and restitution have been paid; and five years have elapsed since the date of completion of all terms of sentencing and probation. The bill provides that any person seeking expungement of a marijuana possession or alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20101847D)

HB 267 (Heretick) (HCT) provides that a court that enters a nolle prosequi for a criminal charge or dismisses such charge for any reason may, upon motion of the person charged, enter an order requiring the expungement of the police and court records relating to the charge. (20102962D)

HB 268 (Heretick) (HCT) allows any person who was a victim of human trafficking at the time of an offense that led to a criminal charge or conviction of certain crimes to petition the court to vacate such conviction and expunge the police and court records related to such conviction or to expunge the police and court records related to such charge. The bill provides that there is a rebuttable presumption that a person's participation in an offense was a result of having been a victim of human trafficking if there is official documentation, defined in the bill, of the petitioner's status as a victim of human trafficking at the time of the offense. (20103429D)

HB 293 (Scott) (HCT) provides that a court that takes a nolle prosequi or enters a judgment acquitting a person of a criminal charge shall, upon motion of the person, enter an order requiring the expungement of the police and court records relating to the charge. Currently, such a person may file a separate petition for the expungement of such records; however, except in certain cases involving misdemeanor charges, the person is not entitled to an order of expungement, and the court hearing the petition must find that the continued existence and possible dissemination of such records causes or may cause circumstances that constitute a manifest injustice to such person before such an order will be entered. (20102010D)

HB 294 (Scott) (HCT) allows a person convicted of a misdemeanor to file a petition requesting expungement of the police and court records relating to the conviction if (i) such person has been free from any term of incarceration, probation, and post-release supervision imposed as a result

of such conviction for at least two years and (ii) such person has no pending criminal proceeding. The bill also requires the court to grant such petition for expungement of police and court records if such petition is for a misdemeanor arrest, charge, or conviction. Currently, except in certain cases, the person is not entitled to an order of expungement, and the court hearing the petition must find that the continued existence and possible dissemination of such records causes or may cause circumstances that constitute a manifest injustice to such person before such an order will be entered. (20102009D)

HB 320 (Levine) (HCT) allows a person who has been convicted of (i) a felony or misdemeanor offense that has been decriminalized or otherwise made lawful or (ii) a felony offense that has been statutorily reduced to a misdemeanor offense since the conviction of such person to file a petition requesting (a) expungement of the police records and the court records relating to any misdemeanor or felony charge that has been decriminalized or otherwise made lawful or (b) reclassification of the police records and the court records relating to a felony offense that has been statutorily reduced to a misdemeanor offense. The bill requires the court to enter an order reclassifying the offense, in the case of a felony offense that has been statutorily reduced to a misdemeanor offense, or requiring the expungement of the police and court records of an offense that has been decriminalized or otherwise made lawful, if the court finds that the offense for which the person was convicted has since been decriminalized or otherwise made lawful, or has been statutorily reduced from a felony to a misdemeanor offense. (20101963D)

HJ 28 (Mullin) (HRUL) directs the Virginia State Crime Commission to study expungement of criminal records. (20100686D)

SB 118 (Peake) (SJUD) allows a person to petition for expungement of a deferred disposition dismissal for underage alcohol possession or using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday, all court costs and fines and orders of restitution have been satisfied, and the person seeking the expungement is at least 21 years of age and has no other alcohol-related convictions. The bill provides that any person seeking expungement of an alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20104018D)

SB 223 (Favola) (SJUD) provides for the expungement of juvenile records for offenses that would be felony larceny if committed by an adult. Under current law, juvenile records of all delinquent acts that would be a felony if committed by an adult are retained. (20103104D)

SB 287 (Deeds) (SJUD) provides that a court shall enter an order of destruction for police and court records, in the absence of good cause shown to the contrary by the Commonwealth, for a deferred disposition dismissal of (i) underage alcohol possession when one year has passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied or (ii) possession of marijuana when three years have passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied. The bill also provides that any person who has received such deferred disposition dismissals may file a petition with the court that disposed of such charge for an order of destruction at any time provided that all court

costs and fines and all orders of restitution have been satisfied. This bill is a recommendation of the Virginia Criminal Justice Conference. (20104300D)

SB 306 (Stanley) (SJUD) provides that a court shall enter an order of destruction for police and court records, in the absence of good cause shown to the contrary by the Commonwealth, for a deferred disposition dismissal of (i) underage alcohol possession when one year has passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied or (ii) possession of marijuana when three years have passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied. The bill also provides that any person who has received such deferred disposition dismissals may file a petition with the court that disposed of such charge for an order of destruction at any time provided that all court costs and fines and all orders of restitution have been satisfied. This bill is a recommendation of the Virginia Criminal Justice Conference. (20100961D)

SB 309 (Stanley) (SJUD) provides that a court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation subject to terms and conditions for a first offense misdemeanor larceny provided such person has not previously been convicted of any felony or had a prior deferred disposition for the same offense. This bill is a recommendation of the Virginia Criminal Justice Conference. (20100965D)

SB 517 (McDougle) (SJUD) allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday, all court costs, fines, and restitution have been paid, and five years have elapsed since the date of completion of all terms of sentencing and probation. The bill provides that any person seeking expungement of a marijuana possession or alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20101476D)

SB 608 (Norment) (SJUD) allows a person to petition for the expungement of the police and court records relating to such person's conviction for misdemeanors and certain felonies if he has been granted a simple pardon for the crime. Under current law, police and court records relating to convictions are only expunged if a person received an absolute pardon for a crime he did not commit. (20103840D)

SB 808 (Morrissey) (SJUD) allows a person convicted of a criminal offense to file a petition requesting expungement of the police and court records relating to the conviction if such person (i) has been free from any term of incarceration, probation, and post-release supervision imposed as a result of such conviction for (a) at least eight years for a misdemeanor offense or (b) at least 12 years for a felony offense, (ii) has no subsequent convictions other than traffic infractions, and (iii) has no pending criminal proceeding. (20103819D)

Protective Orders

SB 144 (Stuart) (SJUD) authorizes a court to issue a protective order upon convicting a defendant for a felony offense of (i) violating a protective order, (ii) homicide, (iii) kidnapping, (iv) assaults and bodily woundings, (v) extortion, or (vi) criminal sexual assault. The bill provides that the duration of such protective order can be for any period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim and may only prohibit (a) acts of family abuse or of violence, force, or threat against the victim or criminal offenses that may result in injury to the person or property of the victim and (b) such contacts by the defendant with the victim as the court deems necessary for the health or safety of the victim. The bill provides that a violation of a protective order issued upon conviction of one of the enumerated offenses is punishable as contempt of court or in the same manner as criminal violations of other protective orders are punished. (20101423D)

SB 145 (Stuart) (SJUD) provides that any person who commits any assault, assault and battery, or bodily wounding upon any party protected by a protective order is guilty of a Class 6 felony. Currently, the Class 6 felony is only applicable if the person commits an assault and battery that results in serious bodily injury to the protected party. (20101426D)

Specialty Dockets

SB 499 (Reeves) (SJUD) provides that any veterans docket authorized and established as a local specialty docket in accordance with the Rules of Supreme Court of Virginia shall be deemed a "Veterans Treatment Court Program," as that term is used under federal law or by any other entity, for the purposes of applying for, qualifying for, or receiving any federal grants, other federal money, or money from any other entity designated to assist or fund such state programs. The bill contains an emergency clause. (20103355D)

SB 818 (Morrissey) (SJUD) establishes, by the Behavioral Health Docket Act (the Act), behavioral health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have mental illness and co-occurring substance abuse issues. The bill establishes a state behavioral health docket advisory committee and requires localities intending to establish such dockets to establish local behavioral health docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1). (20103858D)

SB 819 (Morrissey) (SJUD) provides that any jurisdiction or jurisdictions intending or proposing to establish a drug treatment court shall not be denied permission under the Code of Virginia to establish such court solely on the basis of funding such court. The bill also provides that a drug treatment court shall be available to every defendant irrespective of the jurisdiction. (20103860D)

Temporary Detention Orders

SB 602 (Hanger) (SJUD) establishes procedures for changing the transportation provider designated to provide transportation to a minor or a person who is the subject of a temporary detention order. (20105320D)

SB 603 (Hanger) (SJUD) provides that in cases in which an alternative transportation provider providing transportation of a minor or a person who is subject to an involuntary admission order becomes unable to continue providing transportation, local law enforcement shall take custody of the minor or person and provide transportation to the proper facility. (20105321D)

Education and Schools

HB 257 (Mullin) (HED) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. (20102602D)

HB 695 (Simonds) (HED) excludes from the incident reports required to be made to division superintendents and principals or their designees incidents involving the possession, for personal use and without the indicia of an intent to distribute, of less than one-quarter of one ounce of marijuana on a school bus, on school property, or at a school-sponsored activity. (20104088D)

SB 6 (Stanley) (SPE) 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)

SB 327 (Lewis) (SEH) declares the Accomack County School Board and the Northampton County School Board eligible to receive the cost of competing adjustment to salaries for instructional and support positions as part of the state share of basic aid pursuant to the general appropriation act. (20104112D)

SB 729 (McClellan) (SEH) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. (20102123D)

SJ 28 (Reeves) (SRUL) requires the Joint Legislative Audit and Review Commission to study the feasibility of adjusting the composite index of local ability to pay by (i) reviewing current statutory, constitutional, and budgetary provisions governing the calculation of Standards of Quality costs and funding; (ii) examining the components of the composite index of local ability to pay; (iii) evaluating other states' public school funding formulas; (iv) hearing local concerns and seeking input from various state and national experts, as applicable; and (v) determining the feasibility of reducing the local share under the Local Composite Index (LCI) in school divisions in which the locality is determined to have above-average fiscal stress or high fiscal stress by the Virginia Commission on Local Government in its most recent "Report on the Comparative

Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia Counties and Cities." (20102344D)

School Buses

HB 15 (Krizek) (HED) requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2038, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat. (20100627D)

HB 75 (Kory) (HED) authorizes Dominion Energy to implement a pilot program under which it will deploy electric school buses in participating school divisions in its service territory. The initial phase of the pilot program is limited to the deployment of 50 electric school buses at a cost of up to \$13.5 million. In each of the five years thereafter, the pilot program may be expanded by up to 200 additional electric school buses at a cost of up to \$54 million per year. The pilot program provides that the utility may use vehicle-to-grid technology to access electricity in the storage batteries of the electric school buses when they are not in use. The duration of the pilot program shall not exceed 10 years, though the utility may petition the State Corporation Commission to make it permanent. Program costs, including the incremental cost of the electric school buses, are recoverable through the utility's base rates. (20100328D)

HB 1208 (Tran) (HED) requires each school board to establish a process for assisting any student whose family members have one or more medical conditions that preclude them from providing transportation for the student to attend school to apply for and obtain a pass to ride a regionally operated or locally operated bus to school. (20103654D)

Elections

Absentee Voting

HB 18 (Lindsey) (HPE) provides that, beginning with the May 5, 2020, general election, no-excuse, in-person absentee voting will be available beginning on the second Saturday immediately preceding the election. The bill contains an emergency clause. (20100455D)

HB 207 (VanValkenburg) (HPE) permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code. The bill also provides for a special application by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote. A voter on the permanent absentee voter list remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or an absentee ballot sent to the voter is returned as undeliverable. (20102060D)

HB 208 (Murphy) (HPE) entitles persons who will be age 65 or older on the date of an election for which an absentee ballot is requested to vote absentee. (20101230D)

HB 220 (Krizek) (HPE) requires the envelope provided to an absentee voter for the return of the absentee ballot to include prepaid postage. (20100609D)

HB 238 (Sickles) (HPE) provides that any absentee ballot that is returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and postmarked on or before the date of the election shall be counted if the voter is found entitled to vote. The bill contains technical amendments. (20101272D)

HB 242 (Sickles) (HPE) provides a process by which a qualified voter is permitted to vote by absentee ballot when an emergency either prevented him from applying for an absentee ballot by the deadline or will prevent him from voting in person on election day. The bill also provides for the Commissioner of Elections to take administrative action to facilitate absentee voting by those persons providing emergency or other services in an area in which a state of emergency has been declared. The bill contains technical amendments that consolidate current Code sections regarding emergency absentee voting. (20102154D)

HB 692 (Simonds) (HPE) provides that absentee ballots that are received after the close of polls on any election day but before the time has expired for initiating a recount and that are postmarked on or before the date of the election are to be set aside for recount purposes. In the event of a recount, the determination of the votes in the recount shall be based on such absentee ballots, in addition to votes cast in the election. During the recount, only those absentee ballots cast by voters found to be entitled to vote are counted. (20101565D)

HB 987 (Batten) (HPE) provides that if any precinct in a locality has more than 25 absentee ballots cast by voters assigned to it, the abstract of votes is required to contain an accounting, by precinct, of the number of absentee ballots cast by voters assigned to each precinct in the locality. (20102735D)

SB 43 (Spruill) (SPE) prohibits the release of the list of persons applying for an absentee ballot. Currently, the absentee voter applicant list is available to registered voters for inspection and copying, and political parties and candidates may request and, for a reasonable fee, must be provided an electronic copy of the list. (20100243D)

SB 46 (Spruill) (Reported from SPE) removes the requirement that a person applying for an absentee ballot provide supporting information regarding the reason he is eligible for an absentee ballot. The applicant will still be required to provide the reason he will be absent or unable vote at his polling place on the day of the election. (20100471D)

SB 617 (Deeds) (Reported from SPE) 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. (20102713D)

Absentee Voting – Military/Overseas

HB 191 (Cole, J.) (HPE) provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter is found entitled to vote. Under current law, such ballots cast by military and overseas absentee voters are counted in this manner regardless of the date of any postmark if the absentee ballot was requested on or before, but not sent by, the deadline for making absentee ballots available. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service. (20100637D)

HB 203 (Tran) (HPE) provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board of Elections meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter is found entitled to vote. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service. Under current law, such ballots cast by military and overseas absentee voters would be counted in this manner regardless of the date of any postmark, but only if the absentee ballot had been requested on or before, but not sent by, the deadline for making absentee ballots available. (20102099D)

SB 455 (Reeves) (Reported from SPE) provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board of Elections meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter is found entitled to vote. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service. Under current law, such ballots cast by military and overseas absentee voters would be counted in this manner regardless of the date of any postmark, but only if the absentee ballot had been requested on or before, but not sent by, the deadline for making absentee ballots available. (20102170D)

SJ 36 (DeSteph) (SRUL) requests the Secretary of Administration to oversee and develop a charter and directives for the State Board of Elections to form a working group to study implementation of electronic return of voted military-overseas ballots. In conducting its study, the State Board of Elections with the working group shall study and develop initial instructions

and procedures that (i) consider issues related to accessibility, auditability, authentication, verification, and security through encryption, in order to ensure that any process implemented would guarantee the accuracy and integrity of voted military-overseas ballots, and (ii) recommend (a) security measures necessary to reasonably secure the transmission, processing, and storage of voter data from interception and unauthorized access; (b) methods for verifying and authenticating the identity of the voter electronically when registering to vote and when requesting a ballot from and returning a ballot to the voter's jurisdiction; (c) methods for the encryption of voted ballots; and (d) a procedure for security reviews after an election. The study shall focus on implementation of electronic return of voted military-overseas ballots first as a limited pilot program in 2021, and later on a statewide basis. (20104108D)

Precincts

HB 43 (Cole, M.) (HPE) provides that any voter who is assigned to a precinct that is split between two or more election districts and who believes he was given a ballot for the district of which he is not a qualified voter may request, prior to casting the ballot, and shall be permitted to cast a provisional ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered. The bill requires the ballots to be sealed in envelopes labeled with the corresponding district number and then sealed in the green envelope provided for all provisional ballots. At the meeting to determine the validity of all provisional ballots offered in the election, the electoral board shall verify in which district the voter is qualified and count that ballot. (20100823D)

SB 119 (Peake) (SPE) requires each precinct to be wholly contained within a single congressional and a single state legislative district, except where splitting a precinct among two or more districts is necessary to ensure the population of each district is as nearly equal to the population of every other district as practicable. This requirement is in addition to the requirement that county, city, and town precincts established by the respective governing bodies are wholly contained within an election district used for the election of one or more members of the governing body or school board. (20104029D)

SB 121 (Barker) (SPE) requires each county and city precinct to be wholly contained within a single congressional district, Senate district, House of Delegates district, and local election district. The governing body of each county and city is required to establish its precincts immediately following the completion of the decennial redistricting by the General Assembly so that each precinct is wholly contained as required. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it is required to apply to the State Board of Elections for a waiver to administer a split precinct. The State Board is authorized to grant the waiver or to direct the establishment of a precinct with less than the minimum number of registered voters as permitted by current law. (20103562D)

SB 547 (Edwards) (SPE) authorizes the State Board of Elections to conduct a pilot program under which one or more counties or cities, whose proposal for participation in such pilot

program is unanimously approved by the State Board, would be permitted to use super precincts in the May general or June primary elections. The bill requires the governing body of a county or city applying to participate in the pilot program to submit a plan for participation that includes (i) the number of super precincts to be established in the county or city and the boundaries of such precincts and (ii) the location of vote centers to be established in each super precinct. The bill defines "super precinct" as the territory established by a county or city pursuant to the pilot program to be served by one or more vote centers and "vote center" as the structure that contains the one place provided for each super precinct at which the qualified voters who are residents of the super precinct may vote in a June primary election. The bill contains maximum criteria for any proposal for participation in the pilot program. The bill requires the State Board to report on the implementation and effectiveness of the pilot program by August 15 of any year in which one or more localities participate in the pilot program. The bill has an expiration date of December 31, 2024. (20101967D)

SB 740 (Obenshain) (SPE) authorizes the General Assembly to make technical adjustments to legislative district boundaries subsequent to the decennial redistricting solely for the purpose of causing legislative district boundaries to coincide with local voting precinct boundaries. Any adjustment shall change districts only to the extent necessary to accomplish this purpose and shall be consistent with the criteria for districts established for the preceding decennial redistricting. (20102798D)

Redistricting

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 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)

SB 236 (Barker) (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. (20101035D)

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)

SB 358 (Cosgrove) (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. (20101800D)

SB 516 (Edwards) (SPE) provides for the preparation of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. The bill provides that a person incarcerated in a correctional facility whose legal residence prior to entering custody was located within the Commonwealth will be deemed to reside at such residence, and a person incarcerated in a correctional facility whose legal residence prior to entering custody was located outside of the Commonwealth or

whose legal residence prior to entering custody cannot be determined will not be included in the population count for the locality in which the facility is located; instead, such persons shall be allocated to a state unit not tied to a specific determined geographic location in the same manner as other state residents with an unknown address are allocated. Under the current residence criteria of the U.S. Bureau of the Census, incarcerated persons are counted at the facility in which they are incarcerated. The bill directs the Division of Legislative Services to prepare the adjusted population data, and the General Assembly and local governing bodies are required to use this data as the basis for reapportioning and drawing new districts. The Director of the Department of Corrections and the Board of Corrections are required to provide to the Division certain information about each person incarcerated who was incarcerated in a state or local correctional facility on the day the decennial census is taken, April 1 of a year ending in zero, for these purposes. The Division is directed to request such information from each agency operating a federal correctional facility in the Commonwealth, and persons incarcerated in a federal correctional facility for whom a record is not received shall be deemed to have a legal residence prior to entering custody that cannot be determined. (20102409D)

SB 535 (Peake) (SPE) provides that, for purposes of congressional, Senate, and House of Delegates districts, if a boundary of such a district virtually coincides with the boundary between two or more localities, the boundary of the district shall conform to the boundary between the localities that has been (i) agreed upon by those localities, (ii) adopted in ordinances by those localities, (iii) reported by those localities to the United States Bureau of the Census, and (iv) the population of the district as a result of the boundary adjustment is within the allowable deviation for that type of district. The bill requires the State Board of Elections to review any change of boundary to determine whether there is evidence that the change was made with fraudulent intent, and if it appears there was fraudulent intent, to refer the matter to a circuit court to approve or deny the change. If two or more localities sharing a boundary cannot agree on the true boundary line between them, the boundary shall be that which was in existence on April 1, 2011, and was reported by the United States Bureau of the Census in the 2010 Census reports provided pursuant to United States Public Law 94-171. The bill provides a process by which a voter who believes he has been incorrectly assigned to an election district or precinct may request and have his assignment reviewed by the general registrar and, if necessary, the governing body of the county or city. (20104037D)

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. (20103882D)

SJ 12 (Cosgrove) (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. (20101797D)

SJ 18 (Barker) (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. (20101031D)

Voter Identification

HB 19 (Lindsey) (HPE) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (20100460D)

HB 190 (Levine) (HPE) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show one of the following: his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (20103802D)

HB 213 (Sullivan) (HPE) adds to the list of acceptable forms of voter identification a valid student photo identification card issued by any institution of higher education located in any other state or territory of the United States. Current law allows students from any institution of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (20101656D)

SB 65 (Locke) (SPE) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the

Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (20101202D)

SB 113 (Deeds) (SPE) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (20100906D)

SB 123 (Barker) (SPE) provides that the expiration date on a Virginia driver's license offered for voting identification purposes shall not be considered when determining the validity of the license. (20103295D)

Voter Registration

HB 26 (Lindsey) (HPE) reduces the period of time that registration records must be closed before a general or primary election from 21 days to 13 days. The bill adjusts other deadlines to reflect this change. The period of time that the registration records must be closed before a special election remains the same. (20100510D)

HB 185 (Simon) (HPE) adds to the list of exceptions to the requirement that first-time voters who registered to vote by mail must vote in person those voters who are entitled under current law to vote by absentee ballot because they are confined while awaiting trial or for having been convicted of a misdemeanor. (20100412D)

HB 187 (Simon) (HPE) provides an exception to the closing of registration records for any person who (i) is qualified to register to vote, (ii) is unregistered or registered in a locality in which the person no longer resides but is otherwise entitled to vote by absentee ballot, (iii) desires to vote absentee in person at the time that they present themselves to be registered, and (iv) provides proof of residency. The bill also permits same-day registrants to vote absentee and provides an excuse for election day absentee voting for such voters. The bill requires all voters who register to vote under the provisions of this bill to fill out an absentee application, including the required oath, in order to vote. (20104016D)

HB 201 (Ayala) (HPE) provides an exception to the closing of registration records for any person who (i) is qualified to register to vote, (ii) is unregistered or registered in a locality in which the person no longer resides but is otherwise entitled to vote by absentee ballot, (iii) desires to vote absentee in person at the time that they present themselves to be registered, and (iv) provides proof of residency. The bill also permits same-day registrants to vote absentee and provides an excuse for election day absentee voting for such voters. The bill requires all voters who register to vote under the provisions of this bill to fill out an absentee application, including the required oath, in order to vote. This bill has a delayed effective date of July 1, 2022. (20103011D)

HB 215 (Lopez) (HPE) permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such a person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters. (20101633D)

HB 219 (Lopez) (HPE) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any individual who (i) is not registered to vote; (ii) is of sufficient age to register to vote; (iii) conducts a transaction with the Department of Motor Vehicles to apply for a new driver's license or special identification card or replace, renew, or update an existing driver's license or special identification card; and (iv) in the course of such transaction provides documentation demonstrating United States citizenship or answers affirmatively when asked if he is a United States citizen. Any such individual is given a printed registration notice that (a) states that the individual will be registered to vote based on the information provided and that the individual should decline registration if he does not meet eligibility requirements, (b) explains the eligibility requirements, and (c) provides instructions for how he may decline registration. The Department of Elections is required to transmit the information to the appropriate general registrar, along with any information indicating ineligibility. The Department of Elections is required to establish security requirements for transmission of information about potential registered voters and to report certain information regarding voter registration. The bill removes the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. (20103478D)

HB 872 (Bourne) (HPE) adds to the list of exceptions to the requirement that first-time voters who registered to vote by mail must vote in person those voters who are entitled under current law to vote by absentee ballot because they are confined while awaiting trial or for having been convicted of a misdemeanor. (20101730D)

SB 74 (Deeds) (SPE) requires the State Board of Elections to develop a pilot program for election day voter registration, by which a person who (i) offers to vote on election day but is not a registered voter, (ii) provides one of the allowable forms of identification specified by law, and

(iii) provides proof of his residency, in a form specified by the State Board for this purpose, in the precinct in which he offers to vote, shall be permitted to register to vote and to cast a ballot. The bill provides a process by which the validity of such votes is determined. The bill requires participating localities to provide information on the implementation of the pilot program in its locality to the State Board by December 1 of each year in which it participates. The bill requires the State Board to submit a report on the pilot program to the Governor, the General Assembly, and the House and Senate Committees on Privileges and Elections, including a recommendation as to whether there should be statewide election day voter registration. The bill has an expiration date of December 31, 2022. (20100903D)

SB 92 (Marsden) (SPE) permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such a person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters. (20100922D)

SB 219 (Marsden) (SPE) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card if the person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. (20100923D)

SB 278 (Barker) (SPE) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card if the person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections

for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. (20103590D)

SB 666 (Boysko) (SPE) requires notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within five days of the denial. Such notice may be made by all available means, including by telephone and email. The bill requires the registration application to request that the applicant provide his telephone number and email address. If the general registrar is able to reach the applicant by telephone, any missing information may be provided and corrections may be made by the applicant by telephone. The bill contains technical amendments. (20101350D)

Miscellaneous

HB 202 (Tran) (HPE) requires the additional training for officers of elections occurring after a change in an election law or regulation to take place not less than three days prior to the first election occurring after the law or regulation has taken effect. Under current law, such training is required to take place not later than three days prior to the November general election following the enactment of the law or regulation. (20103596D)

HB 232 (Willett) (HPE) requires the Department of Elections to provide a reasonable number of mail voter registration application forms to public institutions of higher education, nonprofit private institutions of higher education that are eligible to participate in the Tuition Assistance Grant Program, and any other education institution that is authorized to issue bonds. The bill requires the State Council of Higher Education for Virginia to assist the Department by providing a list of such institutions and by requesting those institutions to make the mail voter registration application forms available to students. (20100301D)

HB 761 (VanValkenburg) (HPE) requires the governing body of any county, city, or town to submit, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, such qualification, prerequisite, standard, practice, or procedure by either (i) instituting an action in the Court of Appeals for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color or membership in a language minority group or (ii) submitting such qualification, prerequisite, standard, practice, or procedure to the Office of the Attorney General. No qualification, prerequisite, standard, practice, or procedure that is a covered practice shall be given effect until (a) the circuit court has entered such judgment, (b)

the Attorney General has not interposed an objection within 60 days of the governing body's submission, or (c) upon good cause shown and to facilitate an expedited approval within 60 days of the governing body's submission, the Attorney General has affirmatively indicated that no such objection will be made. The bill is modeled after the Section 5 preclearance requirement of the Voting Rights Act of 1965, as amended. The bill defines "covered practice" as any change to the method of election in a locality, any change to jurisdiction boundaries, any change to election districts or wards, or any change that reduces, consolidates, or relocates voting locations. (20102058D)

HB 842 (Krizek) (HPE) clarifies that the requirement that a petition for the removal of a public officer be signed under penalty of perjury applies only to the person or persons filing such petition with the circuit court. Registered voters signing the petition for purposes of reaching the required number of signatures shall not be required to sign under penalty of perjury. The bill also increases the required number of signatures to a number of registered voters in the locality equal to 25 percent, up from 10 percent, of the total number of votes cast at the last election for the office, and requires the signatures to be collected within a 60-day period. (20100729D)

HB 851 (Simon) (HPE) authorizes the governing body of a county or city to establish by ordinance a system of public campaign financing for elected local offices. The bill specifies certain requirements for a system of public campaign financing established by a governing body, including the provision of a public election fund to be administered by the treasurer of the county or city. A system of public campaign financing established by a county or city is permitted to more stringently regulate the campaign finance activity of participating candidates and shall be subject to regulation and oversight by the State Board of Elections to ensure its conformity with state law and policy to the extent practicable. (20101303D)

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. (20103702D)

SB 442 (Edwards) (SPE) reorganizes sections related to polling place activities and makes related technical amendments. This bill is a recommendation of the Virginia Code Commission. (20100021D)

SB 443 (Edwards) (SPE) reorganizes sections related to provisional voting and makes related technical amendments. This bill is a recommendation of the Virginia Code Commission. (20100022D)

SB 444 (Edwards) (SPE) reorganizes sections related to election recounts. The bill makes technical amendments and is a recommendation of the Code Commission. (20100033D)

SB 466 (Reeves) (SPE) directs the Department of Elections to provide lists of registered voters to the courts of the Commonwealth and the United States for jury selection purposes at no charge. Currently, such lists are provided for a reasonable price. (20102332D)

SB 555 (Spruill) (SPE) repeals several Acts of Assembly that implemented and enforced a state poll tax and provided for separate registration records on the basis of race. (20102509D)

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. (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. (20103700D)

Employment Issues and Grievances

HB 46 (Carter) (HLC) requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether the employer intends to accept or deny the claim or is unable to make such a determination because it lacks sufficient information from the employee. If the employer is unable to make such a determination because it lacks sufficient information from the employee, the employer shall so state and identify the needed additional information. If the employer intends to deny the claim, it shall provide the reasons. (20100826D)

HB 1407 (Ward) (HFIN) prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless and until it is

shown to the satisfaction of the Department of Taxation that such individual is an independent contractor under Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021. (20105144D)

SB 427 (Saslaw) (SCL) prohibits an employer from discharging, taking other retaliatory personnel action, or otherwise discriminating against an employee solely on the basis that such employee has filed for or has been issued an emergency protective order or a preliminary protective order against the employer or another employee of such employer. The bill establishes an administrative process for an employee that believes he has been discharged or discriminated against in violation against such prohibition. (20101732D)

SB 838 (Ebbin) (SCL) provides that an employee has a private cause of action against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due. If the court finds that the employer knowingly failed to pay wages to an employee, the court shall award the employee (i) reasonable attorney fees and other costs and (ii) unless the court finds that the employer's failure to pay was because of a bona fide dispute between the employer and employee, an amount equal to triple the amount of wages due. The measure provides that an employer that knowingly fails or refuses to pay wages, unless the failure to pay was because of a bona fide dispute between the employer and its employee, is guilty of a Class 1 misdemeanor if the value of the wages earned and not paid by the employer is less than \$10,000 or a Class 6 felony if the value of the wages earned and not paid is \$10,000 or more or if the conviction is a second or subsequent conviction. Currently, criminal liability attaches if an employer's nonpayment of wages is willful and with intent to defraud. The measure also provides that construction contracts entered into on or after July 1, 2018, shall be deemed to include a provision under which the general contractor and subcontractor at any tier are jointly and severally liable to pay the wages due to any subcontractor's employees. If the wages due to the subcontractor's employees are not paid, the general contractor is subject to criminal and civil penalties for which an employer is liable for failing or refusing to pay wages. The measure requires the subcontractor to indemnify the general contractor for wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay the wages unless the subcontractor's failure to pay wages was because of the general contractor's failure to pay moneys due to the subcontractor. The measure also provides that the lack of privity between the general contractor and the employees of the subcontractor is not a defense in an action against the general contractor arising from nonpayment of wages to the subcontractor's employees. (20104975D)

SB 894 (Saslaw) (SCL) authorizes an individual who has not been properly classified as an employee to bring a civil action for damages against his employer for failing to properly classify the employee if the employer had knowledge of the individual's misclassification. The court may award damages in the amount of any wages, salary, employment benefits, including expenses incurred by the employee that would otherwise have been covered by insurance, or other compensation lost to the individual, a reasonable attorney fee, and the costs incurred by the employee in bringing the action. The measure provides that an individual who performs services for a person for remuneration shall be presumed to be an employee unless it is shown that the

individual is an independent contractor as determined under the Internal Revenue Service guidelines. (20105117D)

SB 939 (Saslaw) (SCL) permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, including public school employees, and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. (20102021D)

Environment

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. (20103495D)

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. (20102410D)

SB 320 (Lewis) (SACNR) 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 flooding. Moneys from the Fund may be used to mitigate future flood damage, with priority given to projects that implement community-scale mitigation activities or use nature-based solutions. Any locality using moneys from the Fund to provide loans may also forgive the principal of such loans, with the total amount of loans forgiven by all localities not to exceed 30 percent of the total amount appropriated to the Fund in that fiscal year. (20103519D)

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. (20104897D)

SB 704 (Mason) (SACNR) requires any operator of at least 50 acres of cropland in the Chesapeake Bay watershed to submit a nutrient management plan for such cropland by July 1, 2026, to the Department of Conservation and Recreation (DCR). DCR shall review such plans and provide technical assistance, and the operator shall have an affirmative defense if he has applied for cost-share funding and is waiting to receive such funds. The bill requires any person who owns 20 or more bovines in the watershed, beginning July 1, 2026, to install stream exclusion practices that satisfy regulations adopted by the Department of Environmental Quality (DEQ). The person shall have an affirmative defense if he has applied for cost-share funding and is waiting to receive such funds, or if his installed stream exclusion practices were damaged or destroyed. The bill authorizes DCR and DEQ to adopt regulations to carry out its provisions. The bill provides that if the Secretary of Natural Resources determines that sufficient numbers of stream exclusion practices or nutrient management plans have been put in place to satisfy the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan, he shall, on or before December 31, 2025, recommend that all or part of the bill be repealed. (20105196D)

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. (20103284D)

SB 769 (Reeves) (SACNR) directs the Department of Environmental Quality (DEQ) to give deference to findings of fact by a presiding officer explicitly based on the evidence presented in any formal proceeding. The bill directs DEQ to include in its case decision the factual and legal basis for any decision that rejects a recommendation from the hearing officer or presiding officer. The bill requires a court hearing any decision on review in which a hearing officer has made a recommendation to DEQ on a factual issue to defer to such recommendation. A violation on account of gross negligence is a Class 1 misdemeanor. The bill also directs a court, hearing any decision on review for a formal proceeding initiated prior to July 1, 2020, in which DEQ rejected a recommendation from a hearing officer or presiding officer and for which a final adjudication has not been rendered, to remand the proceeding to establish the findings of fact by a presiding officer explicitly based on the evidence presented at the hearing and to establish the factual and legal basis for the decision prior to rendering such final adjudication. (20104943D)

Studies

SB 361 (Cosgrove) (SRUL) directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative

actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. (20102978D)

SJ 38 (Cosgrove) (SRUL) directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. (20105279D)

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. (20101194D)

SB 70 (Lucas) (Senate Floor) 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 or 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. (20105589D-S1)

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 463 (Hayes) (HPS) provides that any person who negligently leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor. (20102211D)

HB 674 (Sullivan) (HPS) 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)

HB 961 (Levine) (HPS) expands the definition of "assault firearm" and prohibits any person from importing, selling, transferring, manufacturing, purchasing, possessing, or transporting an assault firearm. A violation is a Class 6 felony. The bill prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill also prohibits a person from carrying a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered in a public place; under existing law, this prohibition applies only in certain localities. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, possess, or transport large-capacity firearm magazines, silencers, and trigger activators, all defined in the bill. Any person who legally owns an assault firearm, large-capacity firearm magazine, silencer, or trigger activator on July 1, 2020, may retain possession until January 1, 2021. During that time, such person shall (i) render the assault firearm, large-capacity firearm magazine, silencer, or trigger activator inoperable; (ii) remove the assault firearm, large-capacity firearm magazine, silencer, or trigger activator from the Commonwealth; (iii) transfer the assault firearm, large-capacity firearm magazine, silencer, or trigger activator to a person outside the Commonwealth who is not prohibited from possessing it; or (iv) surrender the assault firearm, large-capacity firearm magazine, silencer, or trigger activator to a state or local law-enforcement agency. The bill further states that any person who legally owns an assault firearm on July 1, 2020, may retain possession of such assault firearm after January 1, 2021, if such person has obtained a permit from the Department of State Police to possess an assault firearm in accordance with procedures established in the bill. A person issued such permit may possess an assault firearm only under the following conditions: (a) while in his home or on his property or while on the property of another who has provided prior permission, provided that the person has the landowner's written permission on his person while on such property; (b) while at a shooting range, shooting gallery, or other area designated for the purpose of target shooting or the target range of a public or private club or organization whose members have organized for the purpose of practicing shooting targets or competing in target

shooting matches; (c) while engaged in lawful hunting; or (d) while surrendering the assault firearm to a state or local law-enforcement agency. A person issued such permit may also transport an assault firearm between any of those locations, provided that such assault firearm is unloaded and secured within a closed container while being transported. The bill also provides that failure to display the permit and a photo identification upon demand by a law-enforcement officer shall be punishable by a \$25 civil penalty, which shall be paid into the state treasury. The bill also requires the Department of State Police to enter the name and description of a person issued a permit in the Virginia Criminal Information Network (VCIN) so that the permit's existence and current status will be made known to the law-enforcement personnel accessing VCIN for investigative purposes. (20104855D)

SB 14 (Saslaw) (SJUD) prohibits the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of a trigger activator, defined in the bill as (i) a device designed to be attached to a semi-automatic firearm, which allows the firearm to discharge two or more shots in a burst by activating the device, including a bump-fire device or a binary trigger, but does not convert the semi-automatic firearm into a machine gun or (ii) a manual or power-driven trigger activating device designed so that when attached to a semi-automatic firearm it increases the rate of fire of that firearm, including a trigger crank, but does not convert the semiautomatic firearm into a machinegun. A violation is punishable as a Class 6 felony. (20100506D)

SB 18 (Saslaw) (SJUD) provides that a person must be at least 21 years old, or must be at least 18 years old by the effective date of the bill, to purchase a firearm. The bill requires a background check for any firearm transfer and requires the Department of State Police to establish a process for transferors of firearms to obtain such a check from licensed firearms dealers. A transferor who fails to obtain a required background check and transfers the firearm to another person is guilty of a Class 1 misdemeanor. The bill exempts certain transfers from the required background check. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony and that it is a Class 1 misdemeanor for any person knowingly to authorize a child under the age 18 to use a firearm except when the person is under the supervision of an adult. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor and it is a Class 1 misdemeanor for any person knowingly to authorize a child under the age 12 to use a firearm except when the person is under the supervision of an adult. The bill also raises the age from 18 to 21 for any person to knowingly and intentionally possess or transport a handgun or assault firearm anywhere in the Commonwealth. (20100508D)

SB 71 (Lucas) (SJUD) adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. Under current law, the list of such schools only includes public, private, or religious elementary, middle, or high schools. (20101206D)

SB 75 (Howell) (SJUD) provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 3 misdemeanor. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor. (20101356D)

SB 82 (DeSteph) (SJUD) provides for a three-year mandatory minimum sentence to be served consecutively with any other sentence upon a conviction for violation of a protective order while knowingly armed with a firearm or other deadly weapon. Current law does not specify a mandatory minimum sentence. (20101244D)

SB 83 (DeSteph) (SJUD) provides for a six-month mandatory minimum sentence upon conviction of a person for pointing, holding, or brandishing a firearm or air-operated or gas-operated weapon or object similar in appearance at someone who the person knows or has reason to know is a law-enforcement officer in such manner as to reasonably induce fear in the mind of another. (20101245D)

SB 84 (DeSteph) (SJUD) provides that a person is guilty of a separate felony if he carries about his person any pistol, shotgun, rifle, or other firearm that is hidden from common observation while committing or attempting to commit certain other felonies. A first offense is punishable by a mandatory minimum term of confinement of three years and a second or subsequent offense is punishable by a mandatory minimum term of confinement of five years. (20101247D)

SB 85 (DeSteph) (SJUD) creates or enhances penalties for crimes related to larceny of a firearm or use of a stolen firearm during the commission of a felony. The bill provides that it is (i) a Class 3 felony with a five-year mandatory minimum sentence to commit larceny of a firearm with the intent to sell or distribute and (ii) a Class 5 felony with a two-year mandatory minimum sentence to sell or distribute, attempt to sell or distribute, or possess with the intent to sell or distribute a stolen firearm. The bill adds a one-year mandatory minimum sentence to the crime of receiving a stolen firearm, which is a Class 6 felony. Finally, the bill increases the mandatory minimum sentences for possession of a firearm during the commission of a felony, if such firearm was stolen, from three years to five years for a first offense and from five years to 10 years for a second or subsequent offense. (20101248D)

SB 86 (DeSteph) (SJUD) increases from three to five years for a first offense and from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies. (20101249D)

SB 88 (DeSteph) (SJUD) imposes a mandatory minimum term of imprisonment of three years for violations of (i) maliciously discharging a firearm within or at an occupied building or dwelling house; (ii) willfully discharging a firearm within or at any school building, upon the buildings or grounds of any school, or upon any public property within 1,000 feet of the property line of a school; and (iii) intentionally discharging a firearm while in or on a motor vehicle so as to create risk of death or injury to another person. The bill also imposes a mandatory minimum term of imprisonment of one year for violations of (a) unlawfully, but not maliciously,

discharging a firearm within or at an occupied building or dwelling house and (b) willfully discharging a firearm in a public place when such discharge results in bodily injury to another person. The bill imposes a mandatory minimum term of confinement in jail of 90 days for violations of willfully discharging a firearm in a public place when such discharge does not result in bodily injury to another person. (20101274D)

SB 89 (DeSteph) (SJUD) provides for a three-year mandatory minimum sentence to be served consecutively with any other sentence upon a conviction for violation of a protective order while knowingly armed with a firearm or other deadly weapon. Current law does not specify a mandatory minimum sentence. (20101277D)

SB 173 (Hanger) (SJUD) allows the holder of a valid concealed handgun permit to possess a stun weapon on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school. (20101379D)

SB 240 (Barker) (Senate Floor) 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 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-S3)

SB 248 (Favola) (SJUD) establishes the Virginia Gun Violence Intervention and Prevention Fund to be administered by the Department of Criminal Justice Services for the purpose of supporting gun violence intervention and prevention programs, including street outreach, hospital-based violence intervention, and group violence intervention programs. (20103329D)

SB 263 (Bell) (SJUD) removes the option for concealed handgun permit applicants to demonstrate competence with a handgun by completing an electronic, video, or online course conducted by a state-certified or National Rifle Association-certified firearms instructor. The bill does not affect any in-person means of satisfying the requirement to demonstrate competence with a handgun under current law. (20102385D)

SB 319 (Chase) (SJUD) provides that any property owned by the Commonwealth or any political subdivision of the Commonwealth, or used by a public body, where firearms have been prohibited by law shall have law-enforcement officers or armed security officers on the premises to provide security services. (20104220D)

SB 353 (Bell) (SJUD) prohibits the operation of an outdoor shooting range, defined in the bill, within 500 yards of any property zoned for residential use unless the Range Design Criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security have been met. The bill provides that any person who violates the provisions of this section is subject to a civil penalty of not less than \$1,000 nor more than \$100,000 for the initial violation and \$5,000 per day for each day of violation thereafter. (20102617D)

SB 436 (Surovell) (SJUD) creates the Virginia Voluntary Do Not Sell Firearms List (the List) that prohibits the possession, transportation, and sale of firearms to any person who voluntarily registers himself to be enrolled into the List. The List shall be maintained and updated by the Department of State Police. The bill makes it a Class 3 misdemeanor for any person enrolled into the List to purchase, possess, or transport a firearm. The bill disqualifies any person enrolled into the List from obtaining a concealed handgun permit and prohibits such person from being employed by a firearms dealer. The bill also makes it a Class 1 misdemeanor for any person who sells, barter, gives, or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving, or furnishing, any firearm to any person he knows is enrolled into the List. The bill has a delayed effective date of July 1, 2021. (20100159D)

SB 476 (Chase) (SJUD) provides that the risk management plan established by the Division of Risk Management shall include coverage for any claim made by or on behalf of any person who is injured or killed upon any buildings, grounds, or properties owned or leased by a public elementary or secondary school or institution of higher education as a result of the criminal act of a third party if an armed security officer was not present on the premises and the carrying of a concealed handgun on such buildings, grounds, or properties was prohibited by regulation. The bill also provides that, in addition to providing for the actual damages arising from the person's injury or death, the coverage shall include an additional amount of \$350,000. (20104934D)

SB 490 (Favola) (SJUD) prohibits a person who has been convicted of stalking, sexual battery, or assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crime may petition the circuit court for a reinstatement of his right to possess or transport a firearm and the factors a court shall consider in determining such reinstatement. (20104748D)

SB 543 (Edwards) (SJUD) requires the Department of State Police to perform a criminal history record information check on the prospective purchaser or transferee prior to the completion of any firearms transaction at a firearms show held in the Commonwealth. Current law requires the Department of State Police to be available at every firearms show held in the Commonwealth to perform criminal history record information checks but does not require such checks to be performed unless requested by a party involved in the transaction. (20101849D)

SB 593 (Hanger) (SJUD) 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. (20101435D)

SB 781 (Lewis) (SJUD) makes it a Class 3 misdemeanor for a person to leave an unattended handgun in public view in any public place, including any public building or place where the public assemble, any street, highway, or other public conveyance, or any sidewalk abutting on any public street, alley, or lane of any town or city. The bill also provides that a second or subsequent violation is punishable as a Class 2 misdemeanor. (20103811D)

SB 928 (Newman) (SJUD) provides that a person may lawfully possess, purchase, or transport a firearm or firearms magazine that he would otherwise be lawfully permitted to possess, purchase, or transport on January 1, 2020, while he is in a locality that has adopted an ordinance, resolution, or motion that authorizes the possession, purchase, or transportation of such firearm or firearms magazine within such locality. (20104432D)

Protective Orders and Firearms

HB 1004 (Mullin) (HPS)/**SB 479** (Howell) (SJUD) 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. (20103358D, 20103357D)

HJ 43 (Sullivan) (HRUL) directs the Department of Criminal Justice Services to study the enforcement of the law prohibiting individuals subject to permanent protective orders for family abuse from possessing firearms while such order is in effect. (20103875D)

SB 76 (Howell) (SJUD) provides that it is a Class 6 felony for a person who is subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) for subjecting another person to an act of violence, force, or threat to possess a firearm while the order is in effect, which is equivalent to the existing penalty for possession of a firearm by a person subject to a permanent protective order for family abuse. The bill also provides that such person may continue to possess and transport a firearm for 24 hours after being served with the order for the purposes of selling or transferring the firearm to another person. (20101355D)

SB 372 (Saslaw) (SJUD) provides that a court shall order a person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) 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. 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. (20102204D)

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. (20102454D, 20104765D)

HB 580 (Guzman) (HHWI) expands the definition of "abused or neglected child" to include any child whose parents, or other person responsible for his care, create or inflict, threaten to create or inflict, or allow to be created or inflicted upon such child a physical or mental injury on the basis of the child's gender identity or sexual orientation. (20102121D)

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. (20102117D)

HB 778 (Jones, J.) (HHWI) 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. (20100614D)

HB 809 (Delaney) (HHWI) requires a local department of social services to conduct an investigation or family assessment when, among other things, a report or complaint of child abuse or neglect is received in which the alleged abuser (i) is the child's relative by blood, marriage, or adoption; (ii) is the child's caretaker or has supervisory control over such child; or (iii) resides or is regularly present in the same household as the child. The bill also amends the definition of "abused or neglected child" to accommodate this directive. Under current law, local departments are only required to conduct an investigation or family assessment when the alleged abuser is the child's parent or other caretaker. (20103251D)

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 860 (Bell) (HHWI) 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. (20104680D)

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. (20101649D)

HB 1147 (Keam) (HCT) 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. (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. (20103049D)

SB 501 (Reeves) (SRSS) allows home studies for purposes of adoption or foster care placements to be conducted by any person who has completed the home study training program established by regulations of the Board of Social Services. Under current law, such home studies must be conducted by a local board of social services or licensed child-placing agency. (20103296D)

Mandatory Outpatient Treatment

HB 699 (Hope) (HHWI) clarifies the types of evidence that may be considered by a court in determining whether continued mandatory outpatient treatment is warranted; clarifies the criteria that a court is required to consider when reviewing or determining whether to rescind or continue a mandatory outpatient order or order for mandatory outpatient treatment following inpatient treatment; provides that if a person who is the subject of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment files a petition for rescission of the order, the court shall appoint an examiner to personally examine the person to determine whether he meets the criteria for inpatient admission or mandatory outpatient treatment; limits the frequency with which a person who is the subject of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment may petition for review of such order to no more than once during each 90-day period following entry of such order; and makes clear that a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment remains in full force and effect unless rescinded by the court and that revocation of a person's agreement to abide by a mandatory outpatient treatment plan or discharge plan that has been approved by the court shall not rescind the mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment. (20104876D)

HB 702 (Hope) (HHWI) clarifies that a community services board must make efforts to assist a person with complying with the provisions of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment and that only in cases in which a person fails to comply with a mandatory outpatient treatment or order authorizing discharge to mandatory outpatient treatment following inpatient treatment despite efforts of the community services board to assist the person may the community services board petition for review of the mandatory outpatient order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment. (20102364D)

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. (20104681D)

TANF, SNAP and Drug-Related Felonies

HB 391 (Scott) (HHWI) 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, a person otherwise eligible to receive food stamp benefits shall 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 fulfills any other obligations as determined by the Department of Social Services. (20103950D)

HB 566 (Guzman) (HHWI) 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. (20105131D)

HB 786 (Bagby) (HHWI) 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, a person otherwise eligible to receive food stamp benefits shall 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 fulfills any other obligations as determined by the Department of Social Services. (20101144D)

HB 814 (Ward) (HHWI) provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) 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, 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. (20102605D)

HB 1130 (Lopez) (HHWI) provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) shall not be denied assistance due solely to a conviction of a felony offense of possession of a controlled substance under § 18.2-250, provided he complies with all obligations imposed by the court and the Department of Social Services and is actively engaged in or has completed a substance abuse treatment program. (20101638D)

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. (20104960D)

HB 1185 (Lopez) (HCT) limits the sale of (i) flavored nicotine vapor products, including mint and menthol but not tobacco flavors, and (ii) high-nicotine vapor products above 30 mg strength to retail establishments that sell to persons 21 years of age or older and have proven age restriction processes. The bill requires such retail establishments to prove valid identification checks at the door upon entry and again before any transaction is processed and to maintain required age verification documentation for every transaction. The bill also prohibits all direct-to-consumer online sales that are intended to deliver nicotine vapor products and prohibits the sale of nicotine vapor products with additives other than traditional e-liquid ingredients (e.g., propylene glycol, vegetable glycerin, flavoring) that alter the performance characteristics of nicotine (e.g., benzoic acid). The bill further requires a person selling a tobacco product, nicotine vapor product, or alternative nicotine product to obtain identification as proof of a buyer's age in

any circumstance. Under current law, such identification is not required from an individual who the person has reason to believe is at least 21 years of age or who the person knows is at least 21 years of age. (20104944D)

HB 1283 (Hope) (HCT) prohibits any person from selling any tobacco product at retail (i) without first obtaining a permit from the Department of Taxation and (ii) at a location within 1,000 feet of a youth-oriented facility, defined in the bill. The bill prohibits Internet sales of tobacco products, except to a permit-holding retailer, and prohibits the sale of tobacco products from vending machines. The bill imposes civil penalties of up to \$1,500 for selling tobacco products without a permit and up to \$2,000 for selling tobacco products to persons under age 21. Permits would be subject to annual renewal and subject to revocation for violations of federal, state, or local laws related to tobacco products. The bill imposes recordkeeping requirements and makes it a Class 1 misdemeanor to engage in fraud or misrepresentation in connection with an application for a permit. The bill updates, for the purpose of the crime of selling or distributing tobacco products to a person younger than 21 years of age, the definition of "tobacco products" by including in such definition products currently defined as "nicotine vapor products" or "alternative nicotine vapor products." The bill also removes provisions prohibiting the attempt to purchase, purchase, or possess tobacco products by persons younger than 21 years of age. The bill provides that the punishment of a retail establishment that sells, gives, or furnishes a tobacco product to a person younger than 21 years of age or to a person who does not demonstrate that such person is at least 21 years of age is a civil penalty of \$500 for a first offense, a civil penalty of \$1,000 for a second offense, and a civil penalty of \$2,500 and a suspension or revocation of such establishment's distributor's license for a third or subsequent offense, regardless of the type of tobacco product. Under current law, such penalties apply only to the sale, distribution, or purchase of a bidi and do not require a suspension or revocation of the establishment's distributor's license, while violations involving all other products are punishable by a civil penalty of \$100 for a first offense, a civil penalty of \$200 for a second offense, and a civil penalty of \$500 for a third or subsequent offense. The bill also removes the exception allowing the sale, giving, or furnishing of any tobacco product, nicotine vapor product, or alternative nicotine vapor product to active-duty military personnel who are 18 years of age or older. Finally, the bill requires agents of the Virginia Alcoholic Beverage and Control Authority to conduct a minimum number of two compliance checks each year on any retailer selling tobacco products and to use a person younger than 21 years of age to conduct such checks. (20105166D)

HB 1365 (Leftwich) (HCT) prohibits the manufacture, sale, or distribution of any imitation nicotine vapor product, defined in the bill as any (i) counterfeit nicotine vapor product, also defined in the bill, or (ii) any liquid nicotine or nicotine vapor product that was not manufactured, prepared, compounded, or processed by a person registered with the U.S. Food and Drug Administration (FDA). The bill makes a first violation a Class 1 misdemeanor and a second or subsequent offense a Class 6 felony, provided that the accused was at liberty between each conviction and it is admitted, or found by the jury or judge before whom the person is tried, that the accused was previously convicted of a violation. (20101170D)

Housing

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. (20101786D)

SB 708 (McClellan) (SGL) requires that any housing authority required to submit an application to the U.S. Department of Housing and Urban Development to demolish, liquidate, or otherwise dispose of a housing project serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project, containing specified information, at least 12 months prior to any application submission date to (i) the Virginia Department of Housing and Community Development, (ii) the clerk of the city or county in which the housing project is located, (iii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project, and (iv) each tenant residing in the housing project. The bill requires the authority to also serve such notice on any prospective tenant who is offered a rental agreement subsequent to the initial notice. During the 12-month period subsequent to the initial notice of intent to demolish, liquidate, or otherwise dispose of a housing project, the housing authority is prohibited from (a) increasing rent for any tenant above the amount authorized by any federal assistance program applicable to the housing project; (b) changing the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; or (c) evicting a tenant or demanding possession of any dwelling unit in the housing project, except for a lease violation or violation of law that threatens the health and safety of the building residents. (20105098D)

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)

HB 505 (Knight) (HCCT) provides that once the circuit court issues an allowance of a writ of certiorari in response to a petition from a party aggrieved by a board of zoning appeals decision, the board of zoning appeals shall have 21 days to respond. (20102600D)

HB 554 (VanValkenburg) (HTECH) authorizes a locality to disapprove an application submitted for an administrative review-eligible project or for any zoning approval required for a standard process project that proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, on grounds

that an applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area. (20102447D)

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. (20102659D, 20102704D)

HB 831 (Carroll Foy) (HTECH) declares that it is the policy of the Commonwealth that easements be used to provide communications services, that such use is in the public interest, and that such use of the easements where no new poles are erected does not constitute a change in the physical use of the easement or interfere with, impair, or take any vested or other rights of the owner or occupier of the servient estate, or place any additional burden on the servient estate. The measure further provides that the installation and operation of communications services within any such electric easements are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology, and absent any express prohibition contained in the easement itself, will be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric utility facilities. The measure limits the damages that may be recovered in any trespass action arising from such use of an easement to the lesser of actual damages based on any reduction in the value of the land as a result of the existence, installation, construction, maintenance, modification, operation, repair, or replacement of communications facilities, or \$2,000 per tract of land. (20104845D)

HB 1068 (Kory) (HTECH) provides that if a public service company has acquired a prescriptive easement pursuant to which it has the right to poles and wires to provide electric service, its rights under that prescriptive easement shall be deemed to include the right to grant to a provider of broadband or other telecommunications services the rights to attach its wires and facilities to the public service company's poles and to enter upon the right-of-way to install and maintain the wires and facilities, without the approval of the owner of the servient tract of land. (20102905D)

SB 24 (Petersen) (Reported from SACNR) adds horseback riding or stabling to the definition of "agritourism activity." Agritourism activities have limited liability for the inherent risks of the activity under certain conditions. (20100596D)

SB 302 (Stanley) (SCL) provides that any utility easement, granted before, on, or after July 1, 2020, whether granted publicly or privately, by statute, local ordinance, deed, or other recorded instrument, or by prescription, shall be deemed to include the laying, hanging, and maintenance of fiber optic cable. The bill further provides that any utility easement shall also be deemed to include access over private or public lands to permit the grantee to have physical access to such

cable, unless the instrument granting the easement was recorded prior to July 1, 2020, and specifically states otherwise. (20100783D)

SB 509 (Reeves) (SJUD) prohibits any city or county east of the Interstate 95 corridor from prohibiting otherwise lawful hunting of migratory game birds in the jurisdictional waters of the Commonwealth and provides that no stake or stationary waterfowl blind that is erected in such public waters shall be located less than 150 yards from any occupied residence, church, or commercial building, unless the owner gives written permission to locate the blind or stake closer to the residence, church, or commercial building. (20103794D)

SB 621 (Deeds) (SACNR) provides that if language in an open-space or conservation easement acquired pursuant to state law is ambiguous, such language shall be construed against the grantor and in favor of the grantee. (20102937D)

SB 647 (Boysko) (Senate Floor) provides for the transition of certain existing development approvals when a subject property shifts from one jurisdiction to another due to annexation, boundary adjustment, or other cause. The bill contains a grandfather clause for certain existing provisions. (20103043D)

SB 673 (Mason) (SACNR) prohibits any person from constructing a well in a ground water management area for nonagricultural irrigation purposes except in the surficial aquifer. The bill authorizes the State Water Control Board (the Board) to adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. The bill directs the Board to promulgate regulations establishing criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use. (20102478D)

SB 674 (Mason) (SACNR) authorizes the Secretary of Natural Resources, the Secretary of Agriculture and Forestry, or any agency within those secretariats, or the Virginia Outdoors Foundation to enter into an agreement, with certain provisions, with the owner or operator of construction projects to accomplish forest mitigation, as defined in the bill. The bill provides that no such agreement shall (i) include any waiver of liability for environmental damage caused by the construction project or (ii) guarantee regulatory approval for a construction project by any state agency. (20102486D)

SB 792 (Lewis) (SJUD) allows a 501(c)(4) social welfare organization to obtain a land use permit from the Department of Transportation to use rights-of-way to operate a wholesale open-access fiber network. (20103864D)

SB 794 (Lewis) (SCL) declares that it is policy of the Commonwealth that (i) existing easements for the location and use of electric facilities be used to provide or expand broadband services; (ii) such use of existing easements to provide or expand broadband services is in the public interest; (iii) the use of such existing easements for the provision of broadband services, where no additional poles are erected, does not constitute a change in the physical use of the easement, interfere with or impair any vested rights of the owner or occupier of the servient estate, or place

any additional burden on the servient estate; and (iv) the installation and operation of broadband services within an existing electric easement are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure also establishes that in the absence of any express prohibition on the installation and operation of broadband services in an existing electric easement, the installation and operation of broadband services within the existing electric easement shall be deemed as a matter of law to be permitted uses within the scope of every easement for the location and use of electricity facilities. The measure also limits the damages that a landowner may be awarded in any trespass action against a public utility arising from the installation, maintenance, or operation of any utility poles, wires, conduit, or other infrastructure or fiber optic cabling to the lesser of actual damages or \$2,000 per landowner bringing a claim. (20104980D)

Eminent Domain

SB 28 (Petersen) (SJUD) eliminates specific provisions for the assessment of costs in eminent domain proceedings where the condemnor is a public service company, public service corporation, railroad, or government utility corporation and provides that all costs shall be assessed in the same manner, regardless of the identity of the condemnor. (20100603D)

Monuments

HB 1537 (McQuinn) (HCCT) provides that a locality may remove, relocate, or alter any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. (20102770D)

SB 183 (Locke) (SLG) provides that a locality may remove, relocate, or alter any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. (20101204D)

SB 560 (Spruill) (SLG) provides that a locality may remove, relocate, or alter any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. (20102772D)

SB 620 (Deeds) (SLG) removes a prohibition on (i) disturbing or interfering with any war monument or memorial erected by a locality or (ii) preventing citizens from maintaining such monument or memorial. The bill authorizes a locality to alter, move, or remove any monument or memorial from the locality's public property and removes certain criminal and civil penalties for such. (20104349D)

Marijuana

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)

SB 2 (Ebbin) (SJUD) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50. 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 and substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill defines marijuana to include hashish oil. 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 also allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession when all court costs and fines and orders of restitution have been paid. The bill contains technical amendments. (20100705D)

SB 815 (Morrissey) (SJUD) 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 apply only to criminal violations or civil violations by a juvenile, and the driver's license suspension provisions apply only to criminal violations. 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. (20103848D)

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. (20105313D)

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

Opioids

HB 605 (Brewer) (HCT) provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill serves to overrule the Court of Appeals of Virginia decision in Woodard v. Commonwealth, 61 Va. App. 567, 739 S.E.2d 220 (2013), aff'd, 287 Va. 276, 754 S.E.2d 309 (2014). (20103238D)

SB 667 (Boysko) (SJUD) provides that no individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol; possession of a controlled substance; possession of marijuana; intoxication in public; or possession of controlled paraphernalia if (i) such individual (a) seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, or (b) is experiencing an overdose and another individual seeks or obtains emergency medical attention for him; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of an individual seeking or obtaining emergency medical attention. Current law provides an affirmative defense to such offenses only when an individual seeks or

obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose. (20104169D)

Procurement and Contracts

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)

SB 195 (Cosgrove) (SJUD) provides that no action may be brought by a public body on any construction contract, including construction management and design-build contracts, unless such action is brought within five years after completion of the work on the project, and provides that no action may be brought by a public body on a warranty or guaranty in such construction contract more than one year from the breach of that warranty, but in no event more than one year

after the expiration of such warranty or guaranty. The bill also limits the time frame during which a public body, other than the Department of Transportation, may bring an action against a surety on a performance bond to within one year after completion of the work on the project. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guaranties, or (ii) discovery of the defect or breach of warranty that gave rise to the action. The bill contains technical amendments. (20102791D)

SB 487 (Bell) (Reported from SGL) increases from four to five the number of times that a public body may renew a one-year term contract for architectural or professional engineering services related to multiple construction projects. The bill also adds an alternative option for public bodies to instead choose one five-year term contract for such services with no option for renewals. The bill increases the aggregate limit for architectural and engineering services contracts for localities for projects performed in a one-year contract term from \$6 million to \$10 million. The bill also increases the aggregate limit for architectural and engineering services contracts for environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways for projects performed in an initial two-year term contract from \$5 million to \$10 million. (20104942D)

SB 607 (Norment) (SJUD) provides that no action may be brought by a public body on any construction contract, including construction management and design-build contracts, unless such action is brought within five years after completion of the work on the project, and provides that no action may be brought by a public body on a warranty or guaranty in such construction contract more than one year from the breach of that warranty, but in no event more than one year after the expiration of such warranty or guaranty. The bill also limits the time frame during which a public body, other than the Department of Transportation, may bring an action against a surety on a performance bond to within one year after completion of the work on the project. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guaranties, or (ii) discovery of the defect or breach of warranty that gave rise to the action. The bill contains technical amendments. (20102689D)

SB 645 (Surovell) (SGL) requires a locality, for any procurement contract for goods and services and any purchasing decision, to ensure that solicitations require the bidder to disclose certain information regarding pre-dispute arbitration clauses and consider each bidder's policies and practices related to arbitration. The bill requires each locality to seek to contract with qualified entities and business owners that can demonstrate or will certify that they do not use pre-dispute arbitration clauses in contracts with employees or consumers, and evaluate bidders based on disclosures required under the bill, in the event no bidder can demonstrate or will certify that they do not use pre-dispute arbitration clauses in contracts with employees or consumers. The bill authorizes a locality to cancel, terminate, or suspend, in whole or in part, the contract of any contractor who violates a provision of the bill, and declare the contractor ineligible for further contracts with such locality. (20104696D)

Public Safety/Criminal Justice

HB 1035 (Simon) (HCT) prohibits the Compensation Board, when determining staffing and funding levels for offices of attorneys for the Commonwealth, from (i) considering the number of charges brought or the number of convictions obtained by such attorney for the Commonwealth; (ii) relying on standards devised or recommended by the attorney for the Commonwealth, law-enforcement agencies, or professional associations representing attorneys for the Commonwealth or law-enforcement officers; or (iii) using measures that increase if an attorney for the Commonwealth (a) elects to prosecute a more serious charge, (b) elects to prosecute additional charges from a single arrest or criminal incident, (c) obtains convictions rather than dismissing charges or offering reduced charges, or (d) proceeds with prosecution rather than diversion. The bill also requires attorneys for the Commonwealth to pay all fees collected by them in consideration of the performance of official duties or functions into the state treasury, instead of only half of such fees. The bill requires the State Treasurer to pay to the treasuries of the respective counties and cities of the attorneys for the Commonwealth a proportion of half of all such fees collected by all attorneys for the Commonwealth, as determined by each county or city's crime rate, criminal incident rate, or arrest rate. Finally, the bill changes the fees collected by attorneys for the Commonwealth on trials of felony indictments from \$40 on each count to \$120 for each trial of a Class 1 or Class 2 felony indictment, or other felony that carries a possible penalty of life in prison, except robbery, and \$40 for each trial on robbery and all other felony indictments regardless of the number of counts. The bill contains technical amendments. (20102861D)

HB 1044 (Krizek) (HCT) increases from a Class 3 misdemeanor to a Class 1 misdemeanor the punishment for a person who installs or places an electronic tracking device through intentionally deceptive means and without consent, or causes an electronic tracking device to be installed or placed through intentionally deceptive means and without consent, and uses such device to track the location of any person. (20104618D)

SB 64 (Lucas) (SJUD) provides that a person is guilty of unlawful paramilitary activity if such person assembles with another person with the intent of intimidating any person or group of persons by drilling, parading, or marching with any firearm, any explosive or incendiary device, or any components or combination thereof. Such unlawful paramilitary activity is punishable as a Class 5 felony. (20101207D)

SB 148 (Stuart) (SJUD) provides that the provisions regarding driving or operating a motor vehicle, engine, or train while intoxicated and the provisions regarding operating a motor vehicle by a person under the age of 21 after illegally consuming alcohol shall not apply to any person driving or operating a motor vehicle on his own residential property or the curtilage thereof. (20101417D)

SB 169 (DeSteph) (SJUD) provides that a magistrate may not issue an arrest warrant for a misdemeanor offense where the accused is a law-enforcement officer and the alleged offense arises out of the performance of his public duties upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the

attorney for the Commonwealth or by a law-enforcement agency. The bill provides for the appointment of an attorney for the Commonwealth from outside the jurisdiction if a conflict of interest exists for the attorney for the Commonwealth having jurisdiction. (20101140D)

SB 798 (Morrissey) (SJUD) specifies that a person is guilty of an offense of driving or operating a motor vehicle (i) after his driver's license has been revoked for certain offenses; (ii) in violation of the terms of a restricted license; (iii) without an ignition interlock system if one is required; or (iv) if the person's license had been restricted, suspended, or revoked for certain driving under the influence offenses, with a blood alcohol content of 0.02 percent or more, only if such person was driving or operating the motor vehicle on a highway, as defined in Title 46.2, Motor Vehicles. (20100954D)

Driver's License Suspension – Non-Driving Related Offenses

SB 512 (Edwards) (SJUD) removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense and (ii) for violations not pertaining to the operator or operation of a motor vehicle. The provisions of this bill have a delayed effective date of September 1, 2020. (20101874D)

SB 513 (Edwards) (SJUD) removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense; (ii) for non-payment of certain fees owed to a local correctional facility or regional jail; and (iii) for shoplifting motor fuel. (20102914D)

SB 711 (McClellan) (SJUD) eliminates the mandatory minimum term of confinement in jail of 10 days for a third or subsequent conviction of driving on a suspended license. (20104841D)

Schools and Law Enforcement

HB 8 (Bourne) (HCT)/**SB 3** (McClellan) (SJUD) eliminates the Class 1 misdemeanor for disrupting willfully or while intoxicated, whether willfully or not, the operation of any school or any school activity conducted or sponsored by any school if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed. (20100560D, 20100173D)

HB 256 (Mullin) (HCT) provides that a student at any elementary or secondary school is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on school property or a school bus. (20100028D)

HB 1419 (Jones) (HCT) requires school resource officers and school security officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment that includes training on (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response;

(vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research. (20102267D)

SB 59 (Hanger) (SJUD) changes from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school is a suspect in or has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel. (20100294D)

SB 197 (Cosgrove) (SJUD) provides that any person who orally threatens another person in person to kill or do bodily injury to such other person or any member of the other person's family, and the threat places such other person in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 5 felony. The bill also provides that any person who orally threatens to kill or do bodily harm to another person in person (i) on the grounds or premises of any elementary, middle, or secondary school property; (ii) at any elementary, middle, or secondary school-sponsored event; or (iii) on a school bus to any person or persons is guilty of a Class 6 felony. (20103754D)

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)

SB 273 (Bell) (Reported from SFIN) extends the sunset date for the classification of tangible personal property used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District as a separate class of property from June 30, 2019, to June 30, 2029. (20102630D)

SB 332 (Stuart) (SFIN) allocates sales tax revenues collected from remote sellers, pursuant to Chapters 815 and 816 of the Acts of Assembly of 2019, to the Transportation Trust Fund to be used for the maintenance and repair of existing highways. (20104209D)

Tobacco Tax

HB 1120 (Hope) (HFIN) 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. (20104565D)

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. (20104343D)

Transportation

HB 130 (McNamara) (HTRAN) abolishes the state motor vehicle safety inspection program. (20101215D)

SB 125 (Suetterlein) (STRAN) abolishes the state motor vehicle safety inspection program. (20103748D)

HB 344 (Bell) (HTRAN) authorizes the use of aftermarket exhaust systems in motor vehicles, provided that such system is appropriate for the motor vehicle and prevents a level of noise above the accepted industry standard. The bill requires the Department of State Police to enact and maintain regulations setting an industry standard noise level for exhaust systems. (20102292D)

HB 429 (Scott) (HTRAN) authorizes any teacher employed by a public school district, firefighter, or emergency medical services personnel to use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while traveling between his place of residence and his place of employment. (20102004D)

HB 497 (Marshall) (HTRAN) exempts trucks weighing less than 26,000 pounds from the additional truck registration fee. The bill also exempts trucks, regardless of weight, that are driven less than 25,000 miles per year. (20100907D)

HB 511 (Bulova) (HTRAN) authorizes any agency of state government to locate and operate a retail fee-based electric vehicle charging station on property the agency controls. The bill exempts state agencies from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. Currently state-operated charging stations may be operated by the Department of Conservation and Recreation, Department of General Services, Department of Motor Vehicles, Department of Transportation, and public institutions of higher education. (20100946D)

HB 563 (Marshall) (HTRAN) provides that existing provisions related to the maintenance and repair of nonconforming billboard signs do not apply to relocated billboard signs. (20104277D)

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

HB 772 (LaRock) (HTRAN) transfers enforcement and oversight authority of the Virginia Highway Corporation Act of 1988 from the State Corporation Commission to the Department of Transportation. (20101613D)

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. (20103803D)

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)

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. (20104450D)

HB 1243 (Heretick) (HTRAN) requires a private entity requesting approval to develop and operate a qualifying transportation facility under the Public-Private Transportation Act of 1995 or a qualifying project under the Public-Private Education Facilities and Infrastructure Act of 2002 to include an economic impact analysis identifying any potentially adverse economic or revenue impacts a potential comprehensive agreement may have on all affected local jurisdictions. The bill further provides that affected local jurisdictions be given reasonable

opportunity to consult with the parties concerning the nature and scope of the impacts and regarding measures that may be taken to avoid or mitigate the impacts or make the agreement revenue-neutral. The bill directs each responsible public entity to certify compliance with the review of the economic impact analysis provisions. (20105276D)

HB 1390 (O'Quinn) (HFIN) establishes the Rural Transportation Fund, to be funded by transferring 10 percent of annual lottery revenues in fiscal years 2020 through 2024 from the Lottery Proceeds Fund. All lottery revenues transferred to the Rural Transportation Fund shall be used solely for the purposes of funding transportation projects in (i) Planning District 1, 2, 3, 4, 5, or 6 or (ii) any locality with a population of no greater than 100,000. (20102156D)

HB 1427 (Krizek) (HTRAN) authorizes a private vendor operating a video monitoring system for a school division for the purpose of recording those illegally passing stopped school buses to impose and collect an administrative fee to recover the cost of collecting the civil penalty to be paid by the operator of the vehicle. The bill contains technical amendments. (20102272D)

HB 1439 (Jones) (HTRAN) adopts several initiatives related to transportation and safety, including: (i) making it illegal to possess an open container of alcohol in a motor vehicle, (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense, (iii) prohibiting the use of handheld personal communication devices, (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine, and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. The Commissioner of the Department of Motor Vehicles will establish an advisory committee to oversee education and enforcement of policies such as the seatbelt and hands-free provisions. The bill also changes the vehicle inspection safety program to only require inspections of salvage vehicles that have been rebuilt for highway use, converted electric vehicles, and off-road motorcycles that have been converted to on-road use. The bill contains numerous technical amendments. (20104140D)

HB 1442 (Jones) (HTRAN) authorizes law-enforcement officers to operate handheld photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such handheld photo speed monitoring device. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit by the handheld photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred. (20102488D)

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. (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. (20103600D)

SB 230 (Petersen) (SFIN) provides that, for purposes of the grantor's tax and regional transportation improvement fee (the regional WMATA capital fee), the grantor and grantee may arrange that the grantee pay all or a portion of the tax or fee. Current law requires the grantor to pay the tax or fee. (20102139D)

SB 437 (Surovell) (STRAN) provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or a person operating a bicycle, electric wheel chair, electric bicycle, wheelchair, skateboard, skates, motorized skateboard or scooter, or animal-drawn vehicle or riding an animal, is guilty of a Class 1 misdemeanor. The bill also prohibits the driver of a motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle, except in certain circumstances. (20100562D)

SB 525 (McDoughle) (STRAN) repeals provisions whereby the Commissioner of Highways and the Commonwealth Transportation Board can permit certain counties to operate passenger buses wider than 96 inches but no wider than 102 inches. Existing law provides that vehicles other than school buses shall not exceed 102 inches in width and school buses shall not exceed 100 inches in width. This bill is a recommendation of the Virginia Code Commission. (20100515D)

SB 527 (McDoughle) (STRAN) repeals the statement of intent and purpose in the Virginia Commercial Driver's License Act (the Act). The bill does not affect any substantive provisions of the Act. This bill is a recommendation of the Virginia Code Commission. (20103980D)

SB 659 (Surovell) (SJUD) provides that the negligence of a pedestrian, bicyclist, or other person lawfully using a device other than a motor vehicle on a public highway who is involved in a collision with a motor vehicle shall not bar a plaintiff's recovery in any civil action unless the plaintiff's negligence is (i) a proximate cause of the plaintiff's injury and (ii) greater than the aggregated total amount of negligence of all the defendants that proximately caused the plaintiff's injury. (20101064D)

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. (20103078D)

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) (HTRAN) 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)

SB 871 (Marsden) (STRAN) 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. (20102647D)

SB 907 (Lucas) (STRAN) adopts several initiatives related to transportation and safety, including: (i) making it illegal to possess an open container of alcohol in a motor vehicle, (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense, (iii) prohibiting the use of handheld personal communication devices, (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine, and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. The Commissioner of the Department of Motor Vehicles will establish an advisory committee to oversee education and enforcement of policies such as the seatbelt and hands-free provisions. The bill also changes the vehicle inspection safety program to only require inspections of salvage vehicles that have been rebuilt for highway use, converted electric vehicles, and off-road motorcycles that have been converted to on-road use. The bill contains numerous technical amendments. (20104138D)

SB 911 (Hashmi) (STRAN) prohibits a person from parking a vehicle not capable of receiving an electric charge in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of \$500, and the vehicle may be towed or impounded. (20103753D)

Distracted Driving

HB 377 (Willett) (HTRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20102351D)

HB 512 (Bulova) (HTRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20101521D)

HB 675 (Robinson) (HTRAN) clarifies that the prohibition on the use of a wireless communications device by the holder of a provisional driver's license applies whether or not the device is being used for communication purposes. The bill exempts the use of applications for solely navigation purposes and global positioning systems provided that the driver does not enter information into or manually manipulate the device or system while operating the vehicle. (20101547D)

HB 874 (Bourne) (HTRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20101920D)

HB 978 (LaRock) (HTRAN) provides that a person is guilty of improper driving if he drives without (i) giving his full time and attention to the operation of the vehicle or (ii) keeping the vehicle under proper control at all times. Current law allows a court to lower a charge of reckless driving to improper driving but does not allow law enforcement to charge a person with improper

driving, under the bill a traffic infraction punishable by a fine of not more than \$500. (20104178D)

SB 136 (Stuart) (STRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20101412D)

SB 160 (Surovell) (STRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20100741D)

SB 932 (Kiggans) (STRAN) adds school crossing zones and school property to the locations in which a driver is prohibited from holding a handheld personal communications device in his hand while driving a motor vehicle, with certain exceptions. The bill provides that a violation is punishable by a mandatory fine of \$250. Current law prohibits (i) the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating and (ii) the holding of a handheld personal communication device in a highway work zone, with the same exceptions. (20104574D)

SB 944 (Saslaw) (STRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20104384D)

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)

Parking

HB 767 (LaRock) (HTRAN) decreases from 12,000 to 10,000 pounds the minimum gross vehicle weight rating for which certain localities may regulate or prohibit the parking of a vehicle on a public highway in a residence district. The bill adds Frederick County to the list of localities that are permitted to regulate or prohibit the parking on any public highway of watercraft, boat trailers, motor homes, and camping trailers and to regulate or prohibit the parking of commercial vehicles on any public highway in a residence district. (20100853D)

Peer-to-Peer Vehicles

SB 735 (Newman) (SCL) establishes insurance, taxation, recordkeeping, disclosure, and safety recall requirements for peer-to-peer vehicle sharing platforms, defined in the bill. (20105109D)

Statewide Prioritization Process

HB 561 (Brewer) (HTRAN) adds primary evacuation routes to the factors that must be considered by the Commonwealth Transportation Board in the statewide prioritization process, commonly known as SMART SCALE. (20103235D)

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)

Undergrounding

SB 782 (Saslaw) (SCL) specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure provides that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the costs of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause. Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line overhead. The measure provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed. The measure exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed. The measure adds that the pilot program is created to further understanding of the benefits of

undergrounding existing electric transmission lines to promote economic development. (20102023D)

SB 784 (Saslaw) (SCL) requires that any transmission line of 230 kilovolts or less that is proposed to connect to a proposed new substation that has received local final development plan approval be placed underground if (i) such line would extend from an existing substation that will be powered by a transmission line of 230 kilovolts or less, (ii) such line received a certificate of public convenience and necessity from the Commission to be placed underground prior to December 31, 2018; (iii) the portion of such line between the existing substation and the proposed new substation is not more than 4,500 linear feet; and (iv) the total cost of undergrounding the proposed relocated transmission line does not exceed \$40 million. The bill requires that existing overhead transmission lines that meet such criteria be replaced and relocated with a new underground transmission line and that the location of the new underground transmission line be consistent with the comprehensive plan and the economic development priorities of the governing body of the locality in which the new underground transmission line is to be placed. The bill has an expiration date of December 31, 2021. (20102022D)

Workers' Compensation

SB 741 (McPike) (SFIN) establishes a presumption that if certain firefighters, law-enforcement officers, hazardous materials officers, animal protection police officers, or 9-1-1 emergency call takers, dispatchers, or similarly situated employees (i) receive a diagnosis of post-traumatic stress disorder (PTSD) from a licensed physician, licensed clinical psychologist, licensed professional counselor, or licensed clinical social worker; (ii) suffer death or any impairment resulting in total or partial disability from work caused by the PTSD; and (iii) receive a statement from such a provider that the PTSD was caused by a single critical event or multiple exposures to critical events that occurred in the course of the employment, then the PTSD is an occupational disease, suffered in the line of duty, that is covered by the Virginia Workers' Compensation Act unless such presumption is overcome by a preponderance of competent evidence to the contrary. The measure provides that a "critical event" includes an event that results in serious injury or death to an individual; deals with a minor who has been injured, killed, abused, exploited, or a victim of a crime; deals with mass casualties; results in injury to or the death of a coworker; involves an immediate threat to the life of the claimant or another individual; or involves the abuse, cruelty, injury, exploitation, or death of an animal. (20101165D)

"Watch List"/May Have State Revenue/Policy Implications

Miscellaneous

HB 172 (Krizek) (HCT) creates the Virginia State Police Electronic Summons System Fund, which is funded by a \$5 fee required by the bill to be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation; executed the warrant; or made the arrest. The bill directs that the Fund be used for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of

an electronic summons system. Under current law, localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes. (20103771D)

SB 131 (Chase) (SPE) provides that any candidate for a constitutional office who has been nominated by a political party or in a primary election shall be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices nominated by a political party or in a primary election are so identified. (20102423D)

SJ 35 (Edwards) (SRUL) establishes a joint subcommittee to study the Commonwealth's requirements related to barrier crimes and criminal history records checks. The resolution directs the joint subcommittee to, in conducting its study, develop recommendations related to (i) whether statutory provisions related to criminal history records checks, barrier crimes, and barrier crime exceptions should be reorganized and consolidated into a central location in the Code of Virginia; (ii) whether certain crimes should be removed from the list of barrier crimes; (iii) whether barrier crime exceptions and waiver processes should be broadened; (iv) whether the required amount of time that must lapse after conviction of certain barrier crimes should be shortened; and (v) other changes that could be made to criminal history records check and barrier crimes requirements that would improve the organization, effectiveness, and fairness of such provisions. (20102494D)

Administration of Government

SB 351 (Lucas) (SLG) provides that any locality may establish any department, office, board, commission, agency, or other governmental division or entity that has authority to offer telecommunications, Internet access, broadband, information, and data transmission services. (20103514D)

Early Childhood Care

SB 599 (Hanger) (SRUL) requires the Superintendent of Public Instruction and the Commissioner of Social Services to (i) convene a stakeholder group to consider the development of a statewide unified public-private system for early childhood care and education in the Commonwealth and (ii) collaborate to develop a uniform quality rating and improvement system with required participation by publicly funded early childhood care and education programs and voluntary participation by privately funded providers. (20104233D)

Health and Human Services

SB 128 (Suetterlein) (SRUL) requires the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education

Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. The bill requires the Department of Education to make a report to the Governor, the Senate Committees on Education and Health and Finance, and the House Committees on Education and Appropriations on the findings of each pilot program after two and four years. (20100802D)

SB 716 (McClellan) (SRUL) requires the Secretary of Public Safety and Homeland Security to create and implement policies that recognize and make accommodations for people encountering the criminal justice system with developmental disabilities. The bill also requires the Office of the Executive Secretary to create and implement policies that recognize and make accommodations for people with developmental disabilities, for use by judges in determining case outcomes. (20104287D)

SB 734 (Deeds) (SRUL) directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group to report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. (20104744D)

Land Use

HB 1191 (Heretick) (HCCT)/**SB 360** (Cosgrove) (SLG) provides that a locality may require a subdivider or developer to install reasonable and necessary sewerage and water facilities located on or outside the property limits of the land owned or controlled by the subdivider or developer that is necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. Such subdivider or developer is entitled to reimbursement of its costs by any subsequent subdivider or developer that utilizes the installed sewerage or water facility, except for those costs associated with the installing developer's pro rata share. (20105020D, 20102768D)

SB 314 (Stanley) (SLG) removes the requirement that in order for a wall build on residential property to be grandfathered as a valid nonconforming use, the residential property owner must have been informed by a local official that such wall required no permit. (20103346D)

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)

Taxation

HB 1268 (Helmer) (HPE)/**SB 446** (Reeves) (SPE) provides for a referendum at the November 3, 2020, election to approve or reject a personal property tax exemption for a motor vehicle that is owned and used primarily by or for a veteran of the armed forces of the United States or the Virginia National Guard who has a one hundred percent service-connected, permanent, and total disability. (20102109D, 20101760D)

SJ 33 (Reeves) (SPE) provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from state and local taxes. The amendment provides that only automobiles and pickup trucks qualify for the exemption. Additionally, the exemption is only applicable on the date the motor vehicle is acquired or the effective date of the amendment, whichever is later, and is not applicable for any period of time prior to the effective date of the amendment. (20101742D)

Transportation

HB 768 (LaRock) (HFIN) authorizes counties and cities in Planning District 3, 4, 5, 6, or 7 to impose an additional real estate tax on commercial and industrial property at a rate of up to \$0.10 per \$100 of assessed value. Any revenue raised from such tax would be required to be used to pay for transportation costs. Under current law, only localities within the Northern Virginia Transportation Authority or the Hampton Roads metropolitan planning area are authorized to impose such tax. The bill contains technical amendments. (20102654D)

SB 228 (Spruill) (STRAN) increases from 14 to 16 the age at which a person is permitted to operate a motorized skateboard or scooter without adult supervision. (20101897D)

SB 452 (Edwards) (SFIN) imposes an additional 2.1 percent wholesale gas tax to any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The revenues will be returned to the transportation district in which the revenues are generated via the construction district grant program. (20102450D)

SB 596 (Hanger) (SFIN) imposes an additional 2.1 percent wholesale gas tax to any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The revenues will be returned to the transportation district in which the revenues are generated via the construction district grant program. The bill also requires the Secretary of Transportation to develop a plan to ensure a fair, equitable, and sustainable mode of highway-use taxation. (20103287D)

SB 692 (Obenshain) (SFIN) limits the application of the additional motor vehicle fuels sales tax imposed under current law in all counties and cities in Planning Districts 3, 4, 5, 6, and 7 to those counties or cities in Planning District 3, 4, 5, 6, or 7 in which a portion of Interstate 81 is located. (20100662D)

Legislation Provided for Information

HB 394 (Ward) (HGL) establishes the position of Director of Diversity, Equity, and Inclusion (the Director), to be appointed by the Governor. The Director is empowered to (i) develop a sustainable framework to promote inclusive practices across state government; (ii) implement a measurable, strategic plan to address systemic inequities in state government practices; and (iii) facilitate methods to turn feedback and suggestions from state employees, external stakeholders, and community leaders into concrete equity policy. (20102312D)

SB 292 (Deeds) (Senate Floor) authorizes a member of a board of zoning appeals to be appointed to also serve as an officer of election. (20101853D)

SB 335 (Stuart) (SACNR) requires the Board of Game and Inland Fisheries to waive fees to obtain a hunting or fishing license for active duty military personnel and veterans. (20100145D)

Campaign Finance

HB 71 (Kory) (HPE) requires the State Board of Elections to conduct audits of the campaign finance reports filed by the campaign committees of candidates for Governor, Lieutenant Governor, Attorney General, and the General Assembly. The campaign committees to be audited will be selected at random, with at least 50 percent of the campaign committees for candidates for Governor, Lieutenant Governor, and Attorney General and at least 10 percent of the campaign committees for candidates for the General Assembly being audited. The State Board is authorized to compel the production of all bank statements for the campaign depository; all copies of checks issued on the campaign depository; and bills, invoices, and receipts for all expenditures made by the candidate or his treasurer, of any campaign committee subject to an audit, in order to conduct the audit. The bill requires the audit to be conducted in accordance with generally accepted auditing standards and any procedures adopted by the State Board, and permits the State Board to employ certified public accountants or other additional personnel to conduct the audits. If the audit results in a determination that the balance in the campaign depository does not reconcile with the amounts reported in the campaign finance reports, the State Board is required to forward its report to the appropriate attorney for the Commonwealth. The bill provides that discrepancies or missing information discovered during the course of an audit be handled in accordance with current law for incomplete reports, including provisions for assessing civil penalties as appropriate. (20100299D)

SB 25 (Petersen) (SPE) prohibits any candidate from soliciting or accepting a contribution from any public service corporation, as defined in § 56-1, or any political action committee established and administered by such a corporation. (20100597D)

SB 57 (Suetterlein) (Reported from SPE) requires candidates for local and constitutional offices to file campaign finance reports by computer or electronic means. Under current law, only candidates for local and constitutional offices in localities with a population exceeding 70,000 are required to file campaign finance reports electronically. (20100810D)

SB 166 (Saslaw) (SPE) amends the current laws regarding the disbursement of surplus funds at the dissolution of a campaign or political committee so that such restrictions would apply throughout the life of a campaign or political committee. Such restrictions include the prohibition against the conversion of any money, securities, or like intangible personal property that has been contributed to a campaign or political committee to the personal use of any person. (20100595D)

SB 205 (Petersen) (SPE) prohibits persons from making any single contribution, or any combination of contributions, that exceeds \$10,000 to any one candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly in any one election cycle. Of the \$10,000 single contribution or any combination of contributions, no more than \$5,000 may be contributed prior to the primary election or other nominating event for the office the candidate is seeking, unless designated by the contributor as a contribution for the general election. No limits are placed on contributions made by political party committees, the candidate, or the

candidate's family to the candidate's campaign. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts. (20100598D)

SB 217 (Suetterlein) (Reported from SPE) requires any single contribution of \$1,000 or more that is knowingly received or reported by a candidate for statewide office or the General Assembly during the period beginning January 1 and ending on the day immediately before the first day of a regular session of the General Assembly to be reported to and received by the State Board of Elections by the end of the following day. The bill requires these contributions to also be reported on the first regular report following the date of the contribution. (20101820D)

SB 266 (Bell) (SPE) provides that no candidate or candidate campaign committee shall solicit or accept a contribution from any public service corporation, any political action committee established and administered by such a corporation, any affiliated interest of such a corporation, or any political action committee established and administered by such affiliated interest. (20102390D)

SB 488 (Petersen) (SPE) prohibits persons from making any single contribution, or any combination of contributions, that exceeds \$20,000 to any one candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly in any one election cycle. No limits are placed on contributions made by political party committees, the candidate, or the candidate's family to the candidate's campaign. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts. (20103548D)

Education/Schools

SB 80 (Marsden) (SEH) declares that, except in certain limited circumstances, a student journalist at a public middle school or high school or public institution of higher education has the right to exercise freedom of speech and the press in school-sponsored media, including determining the news, opinion, feature, and advertising content of school-sponsored media, regardless of whether the media is supported financially by the school board or governing board, supported through the use of school or campus facilities, or produced in conjunction with a class or course in which the student is enrolled. The bill defines "school-sponsored media" as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public middle school or high school or public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body. (20101479D)

Elections

SB 126 (Suetterlein) (SPE) removes the power of incumbent officeholders in some cases to insist on a primary as the method of nominating political party candidates and removes the power of General Assembly incumbents seeking reelection to determine the method of nomination. These provisions of law were held to be unconstitutional by the United States Court of Appeals for the Fourth Circuit in *6th Cong. Dist. Republican Comm. v. Alcorn*, 913 F.3d 393 (January 9, 2019).

The bill does not affect the current power of duly constituted authorities of the political party to determine the method of nominating party candidates. (20101816D)

SB 469 (Reeves) (SPE) provides that the name of any person who does not file his written statement of qualification or statement of economic interests by the relevant deadline, or by the end of an extension period if an extension of the deadline has been granted by the State Board, shall not be printed on the primary election ballot. (20102330D)

Firearms

SB 207 (Petersen) (SJUD) removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun. (20101711D)

Health and Human Services

HB 586 (Guzman) (HHWI) directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, and other PFAS for inclusion in regulations of the Board of Health applicable to waterworks. (20104407D)

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. (20101235D)

HB 687 (Aird) (HHWI) directs the Department of Health to adopt regulations governing the certification and practice of doulas and to develop and make available on its website a registry of certified doulas. (20102733D)

HB 728 (Hope) (HHWI) directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group to report its findings and

recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. (20103288D)

HB 737 (Watts) (HHWI) requires regulations establishing the staffing and care standards in nursing homes to require a minimum number of hours of direct care services to each resident per 24-hour period, which minimum increases in specified phases from 3.5 hours to 4.1 hours. (20102533D)

HB 826 (Carroll Foy) (HHWI) directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for the payment of medical assistance for antepartum, intrapartum, and postpartum services provided to a pregnant person by a perinatal birth worker who has education and training in the provision of culturally sensitive care, including services for labor and delivery support and at least four visits during the antenatal period and at least seven visits during the postpartum period. The bill also directs the Department of Medical Assistance Services to conduct a rate study to determine appropriate reimbursement rates for services provided to Medicaid recipients by perinatal birth workers, including doulas and community health workers, and to report its findings to the Governor and the General Assembly by December 1, 2020. (20104932D)

HB 883 (Subramanyam) (HHWI) directs the Department of Criminal Justice Services to evaluate the costs and benefits of implementing a deflection to treatment program for individuals with substance use disorder or mental illness generally, and the Five Deflection Pathways in accordance with the Police, Treatment and Community Collaborative specifically, and to report its findings and recommendations to the Governor and the General Assembly by December 1, 2020. (20104910D)

HB 887 (Filler-Corn) (HHWI) provides that the beneficiary of an ABLE savings trust account may appoint a survivor. In the event of the beneficiary's death, the survivor becomes the new beneficiary of the account if he is eligible under federal law to be a beneficiary of an ABLE savings trust account. The bill provides that if the survivor is ineligible, then any proceeds remaining in the account are distributed to the survivor and the account is closed. Under current law, if the beneficiary of an ABLE savings trust account dies, his state of residence becomes a creditor of the account and may seek payment under federal law for Medicaid benefits provided to the beneficiary while he was alive. The bill prohibits the Commonwealth from seeking estate recovery or payment from the proceeds of the deceased beneficiary's account for benefits provided to him. (20102066D)

HB 1387 (Leftwich) (HHWI) adds to the list of medical care facilities for which a certificate of public need is required any facility that has common ownership with an affiliated licensed hospital located within 35 miles of the facility and that includes, as part of the facility, a dedicated emergency department as defined in 42 C.F.R. § 489.24(b) that is subject to the requirements of the federal Emergency Medical Treatment and Active Labor Act. (20104028D)

SB 61 (Marsden) (SJUD) provides that the use of cannabidiol oil or THC-A oil by a parent in a custody or visitation case shall not serve as the sole basis for the denial or restriction of custody or visitation, if such parent has a written certification by a practitioner attesting to the benefit of such use. The bill further provides that such use by a foster parent shall not be the sole reason a child is removed from a foster parent and that such use by a prospective foster parent shall not be the sole reason to deny such prospective foster parent eligibility to become a foster parent. The bill also provides that such use by a petitioner for adoption shall not be the sole reason for the denial of a final order of adoption by a circuit court. (20100579D)

Transportation

HB 465 (Keam) (HTRAN) extends from January 1, 2020, to October 1, 2020, the prohibition on offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in any locality that has not enacted any licensing ordinance, regulation, or other action regulating such business. The bill clarifies that localities are authorized to create or amend such ordinances, regulations, or actions even after any such business is operating in the locality and exercise authority otherwise authorized by law. The bill contains an emergency clause. (20103293D)

SB 63 (Suetterlein) (STRAN) raises from 80 to 85 miles per hour the speed above which a person who drives a motor vehicle on the highways of the Commonwealth is guilty of reckless driving regardless of the applicable maximum speed limit. (20100801D)

SB 417 (Petersen) (STRAN) allows new sidewalk projects to be funded by the Northern Virginia Transportation Authority. (20102674D)

SB 468 (Reeves) (STRAN) provides that the designation of a highway lane as an HOV lane shall not apply to the use of such lane by autocycles. (20102327D)

SB 623 (Deeds) (STRAN) authorizes the Department of State Police and local law-enforcement agencies to operate handheld photo speed monitoring devices, defined in the bill, in or around highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone when (i) workers are present, (ii) such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such handheld photo speed monitoring device, and (iii) a law-enforcement vehicle is present and displaying blue lights. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit by the handheld photo speed monitoring device, but that the violation shall not be reported on the driver's operating record or to the driver's insurance agency. (20103306D)

Reckless Driving

HB 885 (Sickles) (HTRAN) raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour if the applicable

speed limit is in excess of 65 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. (20102149D)

HB 1374 (Campbell) (HTRAN) raises from 80 to 85 miles per hour the speed above which a person who drives a motor vehicle on the highways of the Commonwealth is guilty of reckless driving regardless of the applicable maximum speed limit. (20104239D)

Legislative Committee Actions of January 24, 2020:

Members Present: Legislative Chairman Walkinshaw
 Chairman McKay
 Supervisor Alcorn
 Supervisor Foust
 Supervisor Gross
 Supervisor Lusk
 Supervisor Palchik
 Supervisor Smith
 Supervisor Storck

Specific Issues

Member Budget Amendments: The Committee received a summary of member budget amendments that are key to County priorities (see “Supplementary Documents” pages 142-146).

Pending Legislation Relating to Disposable Bags, Single-Use Plastic and Expanded Polystyrene Products: The Committee received an overview of pending legislation related to disposable bags and other single-use plastic products, as well as information regarding the effectiveness of strategies, including bans and taxes, to discourage the use of disposable bags (see “Supplementary Documents” pages 147-148).

Priority Principles for Reviewing Legislation

1. Adequately fund K-12 education.
2. Restore funding to the Northern Virginia Transportation Authority (NVTa) in an amount equal to what was diverted, to ensure that transportation projects continue to move forward in Northern Virginia after decades of state underfunding.
3. Build upon the successful enactment of significant transportation revenues by the 2013 General Assembly to ensure sufficient funding for transportation needs.
4. Restore the funding partnership between the state and localities through adequate state funding.
5. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.

Specific Legislation

Fairfax County Legislative Summary: The Committee received copies of the Legislative Summary, which provides the status of legislation on which the Committee had previously taken positions (see attached tracking chart, “Supplementary Documents” pages 1-68).

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. 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. 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. 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. 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). 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. Monitor. (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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. Support. (20104681D)

HB 778 (Jones) (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. 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. 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. 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. 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. 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. 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. Monitor. (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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. Support. Support concept of increased cigarette/e-cigarette tax as a deterrent to smoking, but equal taxing authority without a cigarette tax cap remains a top County priority. (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. 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. Monitor. (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. Monitor. (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. Support. (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. Monitor. (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. Monitor. (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. Support. (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. Support. (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 by 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. Support. (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. Support. (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. Support. Support as a local option. (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. Support. (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. Support. (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. Support. (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. Oppose. (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. Support. (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. Monitor. (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. Support. (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. Support. (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. Support. (20102087D)

Legislation Requiring Further Review

HB 154 (Kilgore) (Passed House) conforms Virginia's law regarding credits to insurers for reinsurance ceded to approved assuming insurers to the provisions of the Credit for Reinsurance Model Law of the National Association of Insurance Commissioners. The bill eliminates the reinsurance collateral requirements for assuming insurers that are domiciled in or have their head office in a reciprocal jurisdiction, which is defined in the bill. Under the bill, such assuming insurers are required to maintain a minimum capital and surplus, maintain a minimal solvency and capital ratio, and provide notice to the State Corporation Commission in the event of noncompliance of any requirements. The bill requires the Commission to create and publish a list of reciprocal jurisdictions and assuming insurers. (20104676D-H1)

HB 322 (Ayala) (HTECH) 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. (20100246D)

SB 465 (Reeves) (Senate Floor) expands the scope of permitted in-kind donations by a locality to include the provision of in-kind resources for contract management services for capital projects; assistance in preparing requests for information, bids, or proposals; and budgeting services to any association or other organization furnishing voluntary firefighting services or a nonprofit or volunteer emergency medical services agency. (20102326D)

SB 639 (Surovell) (SFIN) requires that at least 25 percent of grants received by a region from the Virginia Growth and Opportunity Fund be used to support the creation of jobs in qualified opportunity zones in the region. (20100636D)

Administration of Government

HB 166 (Knight) (HCCT) provides that if a locality has submitted a timely notice request related to a planning or zoning matter to a newspaper of general circulation and the newspaper fails to publish the notice, a locality shall be deemed to have met public hearing notice requirements so long as notice of the agenda, including the item intended for publication in the newspaper, was published on the locality's website at least three weeks before the hearing. (20103028D)

HB 588 (Guzman) (HCT) provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement may instead be published in an online publication. The bill further specifies the requirements for such online publication. (20103342D)

HB 769 (LaRock) (HCCT) provides that any person who is the subject of an action brought by a locality for violation of an ordinance that is not codified is entitled to assert as an affirmative defense that the ordinance was not codified and therefore failed to provide adequate notice to the public of the contents of the ordinance. The bill also allows localities to codify all ordinances in an online format so as to be easily accessed by other governmental entities and the public. (20102661D)

HB 1302 (Hurst) (HCCT) provides that the minimum salary for all deputy sheriffs, both law enforcement and non-law enforcement, shall be set at the compensation board minimum plus a 20 percent supplement. The bill provides that in any locality designated as high or above average according to the Commission on Local Government's Fiscal Stress Index as of July 1, 2020, the Commonwealth shall pay the entire sum of the difference between the current salary paid in such locality and the compensation board minimum plus the 20 percent supplement. (20104937D)

Animals

SB 669 (Boysko) (SACNR) prohibits any person from breeding a dog or cat for the express purpose of producing offspring for (i) use in research, experimentation, or testing that is not required pursuant to federal law or regulation or (ii) sale to a manufacturer, institution of higher learning, or contract testing facility outside the United States. (20105138D)

Courts

HB 127 (Miyares) (HCT)/**SB 285** (Deeds) (SJUD) provides that a bystander who witnesses, live and in-person, an event during which the intentional or negligent infliction of injury to or death of a victim occurs may recover damages for resulting emotional distress, proven by a preponderance of the evidence, with or without a physical impact or physical injury to the bystander, if (i) the bystander is related to the victim or (ii) although not related to the victim, the bystander is in close proximity to the victim at the time the event occurs and is aware that such event is causing injury to or the death of the victim. (20101772D, 20101719D)

HB 289 (Gooditis) (HCT) requires that interviews of child victims of alleged sexual abuse be conducted as a forensic interview at the local child advocacy center in accordance with the center's protocol, unless a forensic interview is not appropriate based on the child's age and development or the center's protocol. The bill allows such interviews to be conducted at a nearby child advocacy center if no child advocacy center exists in the locality where the alleged abuse occurred. (20102448D)

HB 746 (Watts) (HCT) requires that prior to the custodial interrogation, defined in the bill, of a child, the child shall (i) consult with legal counsel in person, by telephone, or by video conference and (ii) have contact with his parent, guardian, legal custodian, or other person standing in loco parentis in person, by telephone, or by video conference. The bill also provides that any statement made by a child during or after a custodial interrogation that does not comply with the provisions of this section shall be inadmissible as evidence unless (a) the law-enforcement officer who conducted the custodial interrogation of the child reasonably believed the information he sought

was necessary to protect life or property from an imminent threat and (b) the law-enforcement officer's questions were limited to those that were reasonably necessary to obtain that information. (20102315D)

HB 1165 (Wampler) (HCT) directs the Supreme Court of Virginia to establish and operate a system for electronic filing for civil and criminal proceedings for all circuit courts, general district courts, and juvenile and domestic relations district courts on or before July 1, 2026. The bill further directs the Supreme Court to promulgate rules to govern such filing system. (20103563D)

SB 133 (Stuart) (SJUD) allows a court to defer and dismiss a criminal case where the defendant has been diagnosed with autism or an intellectual disability. (20101156D)

SB 305 (Stanley) (SJUD) provides that any law-enforcement officer shall, if practicable, make an audiovisual recording of any custodial interrogation of a person conducted in a place of detention. The bill provides that if an audiovisual recording is unable to be made, the law-enforcement officer shall make an audio recording of the custodial interrogation. The bill provides that the failure of a law-enforcement officer to make such a recording shall not affect the admissibility of the statements made during the custodial interrogation, but the court or jury may consider such failure in determining the weight given to such evidence. This bill is a recommendation of the Virginia Criminal Justice Conference. (20100960D)

SB 334 (Stuart) (SJUD) creates the Virginia Board for Court Reporters as an independent board to establish the qualification of applicants for licensure or registration of court reporters in the state. Beginning July 1, 2021, no person may engage in or offer to engage in work as a court reporter unless he has been licensed by the Board. The bill establishes principles of conduct for court reporters and creates the Board for Court Reporters Fund to receive licensing and registration fees to fund the licensure and registration program. (20103488D)

SB 375 (Edwards) (SJUD) provides that a person claiming immunity from certain claims for making statements at a public hearing or regarding matters of public concern may file a special plea to dismiss the underlying claim. The bill further provides that, upon the filing of such a plea, discovery related to such underlying claim shall be stayed pending the entry of an order adjudicating the plea. The bill changes from discretionary to mandatory the award of attorney fees to any person who has a suit dismissed against him due to the immunity. (20102358D)

SB 408 (Hashmi) (SJUD) provides that the clerk of the appellate court to which a civil case is appealed shall provide notice of the docketing of such case to the appellee by certified mail and to the counsel for the parties by regular mail. The bill removes language allowing the clerk to provide such notice by posting it on the front door of the courtroom and instead states that notice shall be made in conformity with provisions for notice for service of process in all civil cases. (20103612D)

SB 483 (DeSteph) (SJUD) provides that any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission interferes with such child's

contact and relationship with the other parent, guardian, or other person responsible for the care of such child, including unreasonably denying the other parent, guardian, or other person responsible for the care of such child access to or visitation with such child, is guilty of a Class 6 felony. (20104057D)

SB 491 (Surovell) (SJUD) removes provisions requiring (i) jail officers to ascertain the citizenship of any inmate taken into custody at a jail, (ii) probation and parole officers to inquire as to the citizenship status of an individual convicted of a felony in circuit court and referred to such officers, and (iii) officers in charge of correctional facilities to inquire as to the citizenship of any person committed to a correctional facility, and therefore such information is not required to be reported to the Central Criminal Records Exchange of the Department of State Police. The bill also removes the mandatory duty of the clerk of a court committing a convicted alien to a correctional facility to furnish related court records to a United States immigration officer and the requirement that an intake officer report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security any juvenile detained on an allegation that the juvenile, believed to be in the United States illegally, committed a violent felony. (20104908D)

SB 545 (Edwards) (SJUD) provides that there shall be an appeal of right to a court of record from any order entered or judgment rendered in a general district court that alters, amends, overturns, or vacates any prior final order entered or judgment rendered on any issues previously adjudicated on the merits in the prior proceeding. The bill further provides that a party to an action in general district court may file a separate notice of appeal relating to any other final order or judgment entered in an action by filing a notice of appeal within the 10-day appeal of right time period, or within five business days after such notice of appeal is filed, whichever is later. (20102378D)

SB 553 (Ruff) (SJUD) creates the Uniform Partition of Heirs Property Act to preserve the right of a cotenant to sell his interest in inherited real estate while ensuring that the other cotenants will have the necessary due process, including notice, appraisal, and right of first refusal, to prevent a forced sale. If the other cotenants do not exercise their right to purchase property from the seller, the court must order a partition in kind if feasible, and if not, a commercially reasonable sale for fair market value. The provisions of the bill apply to partition actions filed on or after July 1, 2020. (20103964D)

SB 684 (Mason) (SJUD) responds to the holding in *Paugh v. Henrico Area Mental Health and Developmental Services*, Record No. 121562 (2013), in which the Supreme Court of Virginia held that on appeal by trial de novo in circuit court of an order of involuntary commitment by a district court, upon the circuit court's finding that the appellant no longer meets the criteria for involuntary commitment, the proper remedy is dismissal of the Commonwealth's petition for involuntary commitment, thereby rendering the original commitment order a nullity. As such, because the original petition would in effect never have existed, forfeiture of the right to possess a firearm as required by § 18.2-308.1:3 upon involuntary commitment would no longer be in effect. Section 18.2-308.1:3 requires that a person who has been involuntarily committed and seeks to have his firearm rights restored petition a district court for restoration of his firearm

rights. The ruling in *Paugh*, by requiring dismissal of the original petition for commitment, removes that requirement even though on the date of the original commitment hearing the person did meet the criteria for commitment and was, in fact, involuntarily committed. The bill provides that notwithstanding the outcome of any appeal (trial de novo on the petition for commitment) taken pursuant to § 37.2-821, the appellant shall be required to seek restoration of his firearm rights. The bill also provides that upon a finding by the circuit court that the appellant no longer meets the criteria for involuntary commitment or mandatory outpatient treatment, the court shall reverse the order of the district court but shall not dismiss the Commonwealth's petition. As a consequence of these changes, a person who is involuntarily committed would be required to petition for restoration of his firearm rights notwithstanding the reversal of the commitment order by a circuit court. (20104751D)

Court Fines

HB 261 (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 allows a court, after 90 days of nonpayment where the court finds the nonpayment was not an intentional refusal to obey the sentence of the court, to provide additional time for payment, reduce the amount of each payment installment, assign community service in lieu of payment, or waive the unpaid portion in whole or in part. Upon a finding that the nonpayment was an intentional refusal to obey the sentence of the court, a court may suspend the defendant's driver's license until payment in full or until the defendant enters into a payment plan. (20101641D)

HB 266 (Heretick) (HCT) eliminates the accrual of interest on any fine or costs imposed in a criminal case or in a case involving a traffic infraction. The bill provides that any such fine or costs that have accrued interest prior to July 1, 2020, shall cease to accrue interest on July 1, 2020, and such accrued interest may be waived by any court. A person who owes fines and costs on which interest has accrued may move any court in which he owes fines and costs to waive the interest that accrued on such fines and costs and shall have such interest waived for any period of incarceration. (20100931D)

HB 277 (Price) (HCT) allows courts to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work during imprisonment. Under current law, credit may be earned only for the performance of community service work completed before or after imprisonment. (20102588D)

HB 909 (Hayes) (HCT) removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense; (ii) for non-payment of certain fees owed to a local correctional facility or regional jail; and (iii) for shoplifting motor fuel. (20102919D)

SB 736 (Obenshain) (SJUD) provides that a court may permit an inmate to earn credits against any fines and court costs imposed against him by performing community service. Under current law, credits may be earned only before or after imprisonment. (20103394D)

Expungement

HB 91 (Cole, M.) (HCT) allows a person convicted of certain offenses, or charged with such offenses which charges were deferred and dismissed, who was under 21 years of age at the time of the offense, and who has successfully completed all terms of probation to file a petition for expungement after at least seven years have passed since (i) the date of dismissal of the charge; (ii) the date of conviction, if no active sentence of incarceration was imposed; or (iii) the date of completion of an active sentence of incarceration, if an active term of incarceration was imposed as a result of the conviction. Any conviction that is expunged will be considered a prior conviction for purposes of prosecution of any subsequent offense for which the prior conviction statutorily enhances punishment. Convictions for violent felony offenses and offenses for which registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for expungement under the bill. (20102579D)

HB 102 (Lindsey) (HCT) allows a person to petition for expungement of convictions and deferred disposition dismissals for simple larceny or concealment of goods or merchandise when (i) the goods or merchandise consisted of food or medically necessary supplies, (ii) the offense occurred prior to the person's twenty-first birthday, and (iii) five years have passed since the date of completion of all terms of sentencing and probation. (20101397D)

HB 254 (Simon) (HCT) allows a person to petition for expungement of a deferred disposition dismissal for underage alcohol possession or using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday, all court costs and fines and orders of restitution have been satisfied, and the person seeking the expungement is at least 21 years of age and has no other alcohol-related convictions. The bill provides that any person seeking expungement of an alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20101845D)

HB 255 (Simon) (HCT) allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday; all court costs, fines, and restitution have been paid; and five years have elapsed since the date of completion of all terms of sentencing and probation. The bill provides that any person seeking expungement of a marijuana possession or alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20101847D)

HB 267 (Heretick) (HCT) provides that a court that enters a nolle prosequi for a criminal charge or dismisses such charge for any reason may, upon motion of the person charged, enter an order requiring the expungement of the police and court records relating to the charge. (20102962D)

HB 268 (Heretick) (HCT) allows any person who was a victim of human trafficking at the time of an offense that led to a criminal charge or conviction of certain crimes to petition the court to vacate such conviction and expunge the police and court records related to such conviction or to expunge the police and court records related to such charge. The bill provides that there is a rebuttable presumption that a person's participation in an offense was a result of having been a victim of human trafficking if there is official documentation, defined in the bill, of the petitioner's status as a victim of human trafficking at the time of the offense. (20103429D)

HB 293 (Scott) (HCT) provides that a court that takes a nolle prosequi or enters a judgment acquitting a person of a criminal charge shall, upon motion of the person, enter an order requiring the expungement of the police and court records relating to the charge. Currently, such a person may file a separate petition for the expungement of such records; however, except in certain cases involving misdemeanor charges, the person is not entitled to an order of expungement, and the court hearing the petition must find that the continued existence and possible dissemination of such records causes or may cause circumstances that constitute a manifest injustice to such person before such an order will be entered. (20102010D)

HB 294 (Scott) (HCT) allows a person convicted of a misdemeanor to file a petition requesting expungement of the police and court records relating to the conviction if (i) such person has been free from any term of incarceration, probation, and post-release supervision imposed as a result of such conviction for at least two years and (ii) such person has no pending criminal proceeding. The bill also requires the court to grant such petition for expungement of police and court records if such petition is for a misdemeanor arrest, charge, or conviction. Currently, except in certain cases, the person is not entitled to an order of expungement, and the court hearing the petition must find that the continued existence and possible dissemination of such records causes or may cause circumstances that constitute a manifest injustice to such person before such an order will be entered. (20102009D)

HB 320 (Levine) (HCT) allows a person who has been convicted of (i) a felony or misdemeanor offense that has been decriminalized or otherwise made lawful or (ii) a felony offense that has been statutorily reduced to a misdemeanor offense since the conviction of such person to file a petition requesting (a) expungement of the police records and the court records relating to any misdemeanor or felony charge that has been decriminalized or otherwise made lawful or (b) reclassification of the police records and the court records relating to a felony offense that has been statutorily reduced to a misdemeanor offense. The bill requires the court to enter an order reclassifying the offense, in the case of a felony offense that has been statutorily reduced to a misdemeanor offense, or requiring the expungement of the police and court records of an offense that has been decriminalized or otherwise made lawful, if the court finds that the offense for which the person was convicted has since been decriminalized or otherwise made lawful, or has been statutorily reduced from a felony to a misdemeanor offense. (20101963D)

HJ 28 (Mullin) (HRUL) directs the Virginia State Crime Commission to study expungement of criminal records. (20100686D)

SB 118 (Peake) (SJUD) allows a person to petition for expungement of a deferred disposition dismissal for underage alcohol possession or using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday, all court costs and fines and orders of restitution have been satisfied, and the person seeking the expungement is at least 21 years of age and has no other alcohol-related convictions. The bill provides that any person seeking expungement of an alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20104018D)

SB 223 (Favola) (SJUD) provides for the expungement of juvenile records for offenses that would be felony larceny if committed by an adult. Under current law, juvenile records of all delinquent acts that would be a felony if committed by an adult are retained. (20103104D)

SB 287 (Deeds) (SJUD) provides that a court shall enter an order of destruction for police and court records, in the absence of good cause shown to the contrary by the Commonwealth, for a deferred disposition dismissal of (i) underage alcohol possession when one year has passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied or (ii) possession of marijuana when three years have passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied. The bill also provides that any person who has received such deferred disposition dismissals may file a petition with the court that disposed of such charge for an order of destruction at any time provided that all court costs and fines and all orders of restitution have been satisfied. This bill is a recommendation of the Virginia Criminal Justice Conference. (20104300D)

SB 306 (Stanley) (SJUD) provides that a court shall enter an order of destruction for police and court records, in the absence of good cause shown to the contrary by the Commonwealth, for a deferred disposition dismissal of (i) underage alcohol possession when one year has passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied or (ii) possession of marijuana when three years have passed since the date of dismissal and all court costs and fines and all orders of restitution have been satisfied. The bill also provides that any person who has received such deferred disposition dismissals may file a petition with the court that disposed of such charge for an order of destruction at any time provided that all court costs and fines and all orders of restitution have been satisfied. This bill is a recommendation of the Virginia Criminal Justice Conference. (20100961D)

SB 309 (Stanley) (SJUD) provides that a court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation subject to terms and conditions for a first offense misdemeanor larceny provided such person has not previously been convicted of any felony or had a prior deferred disposition for the same offense. This bill is a recommendation of the Virginia Criminal Justice Conference. (20100965D)

SB 517 (McDougle) (SJUD) allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday, all court costs, fines, and restitution have been paid, and five years have elapsed since the date

of completion of all terms of sentencing and probation. The bill provides that any person seeking expungement of a marijuana possession or alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. (20101476D)

SB 608 (Norment) (SJUD) allows a person to petition for the expungement of the police and court records relating to such person's conviction for misdemeanors and certain felonies if he has been granted a simple pardon for the crime. Under current law, police and court records relating to convictions are only expunged if a person received an absolute pardon for a crime he did not commit. (20103840D)

SB 808 (Morrissey) (SJUD) allows a person convicted of a criminal offense to file a petition requesting expungement of the police and court records relating to the conviction if such person (i) has been free from any term of incarceration, probation, and post-release supervision imposed as a result of such conviction for (a) at least eight years for a misdemeanor offense or (b) at least 12 years for a felony offense, (ii) has no subsequent convictions other than traffic infractions, and (iii) has no pending criminal proceeding. (20103819D)

Protective Orders

SB 144 (Stuart) (SJUD) authorizes a court to issue a protective order upon convicting a defendant for a felony offense of (i) violating a protective order, (ii) homicide, (iii) kidnapping, (iv) assaults and bodily woundings, (v) extortion, or (vi) criminal sexual assault. The bill provides that the duration of such protective order can be for any period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim and may only prohibit (a) acts of family abuse or of violence, force, or threat against the victim or criminal offenses that may result in injury to the person or property of the victim and (b) such contacts by the defendant with the victim as the court deems necessary for the health or safety of the victim. The bill provides that a violation of a protective order issued upon conviction of one of the enumerated offenses is punishable as contempt of court or in the same manner as criminal violations of other protective orders are punished. (20101423D)

SB 145 (Stuart) (SJUD) provides that any person who commits any assault, assault and battery, or bodily wounding upon any party protected by a protective order is guilty of a Class 6 felony. Currently, the Class 6 felony is only applicable if the person commits an assault and battery that results in serious bodily injury to the protected party. (20101426D)

HB 498 (Hope) (HAPP)/**SB 534** (Vogel) (SJUD) requires the Office of the Executive Secretary of the Supreme Court of Virginia to develop and implement a Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any general district court, juvenile and domestic relations court, or circuit court. The bill states that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date

of the protective order, the terms of the protective order, and the names of any other persons protected by the protective order. (20101268D, 20102502D)

Specialty Dockets

SB 818 (Morrissey) (SJUD) establishes, by the Behavioral Health Docket Act (the Act), behavioral health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have mental illness and co-occurring substance abuse issues. The bill establishes a state behavioral health docket advisory committee and requires localities intending to establish such dockets to establish local behavioral health docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1). (20103858D)

Temporary Detention Orders

SB 602 (Hanger) (SJUD) establishes procedures for changing the transportation provider designated to provide transportation to a minor or a person who is the subject of a temporary detention order. (20105320D)

SB 603 (Hanger) (SJUD) provides that in cases in which an alternative transportation provider providing transportation of a minor or a person who is subject to an involuntary admission order becomes unable to continue providing transportation, local law enforcement shall take custody of the minor or person and provide transportation to the proper facility. (20105321D)

Education and Schools

HB 257 (Mullin) (HED) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. (20102602D)

HB 695 (Simonds) (HED) excludes from the incident reports required to be made to division superintendents and principals or their designees incidents involving the possession, for personal use and without the indicia of an intent to distribute, of less than one-quarter of one ounce of marijuana on a school bus, on school property, or at a school-sponsored activity. (20104088D)

SB 327 (Lewis) (SEH) declares the Accomack County School Board and the Northampton County School Board eligible to receive the cost of competing adjustment to salaries for instructional and support positions as part of the state share of basic aid pursuant to the general appropriation act. (20104112D)

SB 729 (McClellan) (SEH) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. (20102123D)

SJ 28 (Reeves) (SRUL) requires the Joint Legislative Audit and Review Commission to study the feasibility of adjusting the composite index of local ability to pay by (i) reviewing current

statutory, constitutional, and budgetary provisions governing the calculation of Standards of Quality costs and funding; (ii) examining the components of the composite index of local ability to pay; (iii) evaluating other states' public school funding formulas; (iv) hearing local concerns and seeking input from various state and national experts, as applicable; and (v) determining the feasibility of reducing the local share under the Local Composite Index (LCI) in school divisions in which the locality is determined to have above-average fiscal stress or high fiscal stress by the Virginia Commission on Local Government in its most recent "Report on the Comparative Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia Counties and Cities." (20102344D)

School Buses

HB 15 (Krizek) (HED) requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2038, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat. (20100627D)

HB 75 (Kory) (HED) authorizes Dominion Energy to implement a pilot program under which it will deploy electric school buses in participating school divisions in its service territory. The initial phase of the pilot program is limited to the deployment of 50 electric school buses at a cost of up to \$13.5 million. In each of the five years thereafter, the pilot program may be expanded by up to 200 additional electric school buses at a cost of up to \$54 million per year. The pilot program provides that the utility may use vehicle-to-grid technology to access electricity in the storage batteries of the electric school buses when they are not in use. The duration of the pilot program shall not exceed 10 years, though the utility may petition the State Corporation Commission to make it permanent. Program costs, including the incremental cost of the electric school buses, are recoverable through the utility's base rates. (20100328D)

HB 1208 (Tran) (HED) requires each school board to establish a process for assisting any student whose family members have one or more medical conditions that preclude them from providing transportation for the student to attend school to apply for and obtain a pass to ride a regionally operated or locally operated bus to school. (20103654D)

Studies

HJ 20 (Cole, M.) (HRUL) directs the Joint Legislative Audit and Review Commission to study the feasibility of adjusting the composite index of local ability to pay and expanding access to the cost of competing adjustment by (i) reviewing current statutory, constitutional, and budgetary provisions governing the calculation of Standards of Quality costs and funding; (ii) examining the components of the composite index of local ability to pay and the cost of competing adjustment; (iii) evaluating other states' public school funding formulas; and (iv) hearing local concerns and seeking input from various state and national experts, as applicable. (20102571D)

HJ 41 (Scott) (HRUL) directs the Joint Legislative Audit and Review Commission to study teacher salaries and benefits in the Commonwealth, including the regional competitiveness of such salaries and benefits, by analyzing the relationship between (i) salaries and benefits provided to teachers in the Commonwealth, states adjoining the Commonwealth, and the District of Columbia and (ii) the recruitment and retention of teachers in each such state and the District of Columbia. (20102006D)

Elections

Absentee Voting

HB 220 (Krizek) (HPE) requires the envelope provided to an absentee voter for the return of the absentee ballot to include prepaid postage. (20100609D)

HB 238 (Sickles) (HPE) provides that any absentee ballot that is returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and postmarked on or before the date of the election shall be counted if the voter is found entitled to vote. The bill contains technical amendments. (20101272D)

HB 242 (Sickles) (HPE) provides a process by which a qualified voter is permitted to vote by absentee ballot when an emergency either prevented him from applying for an absentee ballot by the deadline or will prevent him from voting in person on election day. The bill also provides for the Commissioner of Elections to take administrative action to facilitate absentee voting by those persons providing emergency or other services in an area in which a state of emergency has been declared. The bill contains technical amendments that consolidate current Code sections regarding emergency absentee voting. (20102154D)

HB 692 (Simonds) (HPE) provides that absentee ballots that are received after the close of polls on any election day but before the time has expired for initiating a recount and that are postmarked on or before the date of the election are to be set aside for recount purposes. In the event of a recount, the determination of the votes in the recount shall be based on such absentee ballots, in addition to votes cast in the election. During the recount, only those absentee ballots cast by voters found to be entitled to vote are counted. (20101565D)

SB 46 (Spruill) (Reported from SPE) removes the requirement that a person applying for an absentee ballot provide supporting information regarding the reason he is eligible for an absentee ballot. The applicant will still be required to provide the reason he will be absent or unable vote at his polling place on the day of the election. (20100471D)

Absentee Voting – Military/Overseas

HB 203 (Tran) (HPE) provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board of Elections meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter

is found entitled to vote. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service. Under current law, such ballots cast by military and overseas absentee voters would be counted in this manner regardless of the date of any postmark, but only if the absentee ballot had been requested on or before, but not sent by, the deadline for making absentee ballots available. (20102099D)

SB 455 (Reeves) (Reported from SPE) provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board of Elections meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter is found entitled to vote. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service. Under current law, such ballots cast by military and overseas absentee voters would be counted in this manner regardless of the date of any postmark, but only if the absentee ballot had been requested on or before, but not sent by, the deadline for making absentee ballots available. (20102170D)

Precincts

HB 43 (Cole, M.) (HPE) provides that any voter who is assigned to a precinct that is split between two or more election districts and who believes he was given a ballot for the district of which he is not a qualified voter may request, prior to casting the ballot, and shall be permitted to cast a provisional ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered. The bill requires the ballots to be sealed in envelopes labeled with the corresponding district number and then sealed in the green envelope provided for all provisional ballots. At the meeting to determine the validity of all provisional ballots offered in the election, the electoral board shall verify in which district the voter is qualified and count that ballot. (20100823D)

SB 740 (Obenshain) (Senate Floor) requires each county and city precinct to be wholly contained within a single congressional district, Senate district, House of Delegates district, and local election district. The governing body of each county and city is required to establish its precincts immediately following the completion of the decennial redistricting by the General Assembly so that each precinct is wholly contained as required. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it is required to apply to the State Board of Elections for a waiver to administer a split precinct. The State Board is authorized to grant the waiver or to direct the establishment of a precinct with less than the minimum number of registered voters as permitted by current law. (20106352D-S1)

Redistricting

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. (20100230D)

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 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)

SB 236 (Barker) (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. (20101035D)

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)

SB 358 (Cosgrove) (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. (20101800D)

SB 516 (Edwards) (SPE) provides for the preparation of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. The bill provides that a person incarcerated in a correctional facility whose legal residence prior to entering custody was located within the Commonwealth will be deemed to reside at such residence, and a person incarcerated in a correctional facility whose legal residence prior to entering custody was located outside of the Commonwealth or whose legal residence prior to entering custody cannot be determined will not be included in the population count for the locality in which the facility is located; instead, such persons shall be allocated to a state unit not tied to a specific determined geographic location in the same manner as other state residents with an unknown address are allocated. Under the current residence criteria of the U.S. Bureau of the Census, incarcerated persons are counted at the facility in which they are incarcerated. The bill directs the Division of Legislative Services to prepare the adjusted population data, and the General Assembly and local governing bodies are required to use this data as the basis for reapportioning and drawing new districts. The Director of the Department of Corrections and the Board of Corrections are required to provide to the Division certain information about each person incarcerated who was incarcerated in a state or local correctional facility on the day the decennial census is taken, April 1 of a year ending in zero, for these purposes. The Division is directed to request such information from each agency operating a federal correctional facility in the Commonwealth, and persons incarcerated in a federal correctional facility for whom a record is not received shall be deemed to have a legal residence prior to entering custody that cannot be determined. (20102409D)

SB 535 (Peake) (SPE) provides that, for purposes of congressional, Senate, and House of Delegates districts, if a boundary of such a district virtually coincides with the boundary between two or more localities, the boundary of the district shall conform to the boundary between the localities that has been (i) agreed upon by those localities, (ii) adopted in ordinances by those localities, (iii) reported by those localities to the United States Bureau of the Census, and (iv) the population of the district as a result of the boundary adjustment is within the allowable deviation for that type of district. The bill requires the State Board of Elections to review any change of boundary to determine whether there is evidence that the change was made with fraudulent intent, and if it appears there was fraudulent intent, to refer the matter to a circuit court to approve or deny the change. If two or more localities sharing a boundary cannot agree on the true boundary line between them, the boundary shall be that which was in existence on April 1, 2011, and was reported by the United States Bureau of the Census in the 2010 Census reports provided

pursuant to United States Public Law 94-171. The bill provides a process by which a voter who believes he has been incorrectly assigned to an election district or precinct may request and have his assignment reviewed by the general registrar and, if necessary, the governing body of the county or city. (20104037D)

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. (20103882D)

SJ 12 (Cosgrove) (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. (20101797D)

SJ 18 (Barker) (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. (20101031D)

Voter Identification

HB 19 (Lindsey) (HPE) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (20100460D)

HB 190 (Levine) (HPE) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show one of the following: his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. A voter who does not show one of the required forms of identification when offering to vote is required to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions

of current law. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (20103802D)

HB 213 (Sullivan) (HPE) adds to the list of acceptable forms of voter identification a valid student photo identification card issued by any institution of higher education located in any other state or territory of the United States. Current law allows students from any institution of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (20101656D)

HB 878 (Sickles) (HPE) permits a voter who does not show one of the required forms of identification when offering to vote to sign a statement that he is the named registered voter he claims to be in order to be permitted to cast a ballot. Such statement is signed subject to felony penalties for making false statements, punishable as a Class 5 felony. A voter who does not show one of the required forms of identification and does not complete or sign the statement shall be offered a provisional ballot according to the provisions of current law. The bill adds language regarding identification requirements for certain voters subject to the federal Help America Vote Act of 2002. (20100376D)

SB 65 (Locke) (SPE) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (20101202D)

SB 113 (Deeds) (SPE) removes the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill adds language regarding identification requirements for certain voters pursuant to the federal Help America Vote Act of 2002. (20100906D)

SB 123 (Barker) (SPE) provides that the expiration date on a Virginia driver's license offered for voting identification purposes shall not be considered when determining the validity of the license. (20103295D)

Voter Registration

HB 26 (Lindsey) (HPE) reduces the period of time that registration records must be closed before a general or primary election from 21 days to 13 days. The bill adjusts other deadlines to reflect this change. The period of time that the registration records must be closed before a special election remains the same. (20100510D)

HB 185 (Simon) (HPE) adds to the list of exceptions to the requirement that first-time voters who registered to vote by mail must vote in person those voters who are entitled under current law to vote by absentee ballot because they are confined while awaiting trial or for having been convicted of a misdemeanor. (20100412D)

HB 187 (Simon) (HPE) provides an exception to the closing of registration records for any person who (i) is qualified to register to vote, (ii) is unregistered or registered in a locality in which the person no longer resides but is otherwise entitled to vote by absentee ballot, (iii) desires to vote absentee in person at the time that they present themselves to be registered, and (iv) provides proof of residency. The bill also permits same-day registrants to vote absentee and provides an excuse for election day absentee voting for such voters. The bill requires all voters who register to vote under the provisions of this bill to fill out an absentee application, including the required oath, in order to vote. (20104016D)

HB 201 (Ayala) (HPE) provides an exception to the closing of registration records for any person who (i) is qualified to register to vote, (ii) is unregistered or registered in a locality in which the person no longer resides but is otherwise entitled to vote by absentee ballot, (iii) desires to vote absentee in person at the time that they present themselves to be registered, and (iv) provides proof of residency. The bill also permits same-day registrants to vote absentee and provides an excuse for election day absentee voting for such voters. The bill requires all voters who register to vote under the provisions of this bill to fill out an absentee application, including the required oath, in order to vote. This bill has a delayed effective date of July 1, 2022. (20103011D)

HB 215 (Lopez) (HPE) permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such a person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters. (20101633D)

HB 219 (Lopez) (HPE) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any individual who (i) is not registered to vote; (ii) is of sufficient age to register to vote; (iii) conducts a transaction with the Department of Motor Vehicles to apply for a new driver's license or special identification card or replace, renew, or update an existing driver's license or special identification card; and (iv) in the course of such transaction provides documentation demonstrating United States citizenship or answers affirmatively when asked if he is a United States citizen. Any such individual is given a printed registration notice that (a) states that the individual will be registered to vote based on the information provided and that the individual should decline registration if he does not meet eligibility requirements, (b) explains the eligibility requirements, and (c) provides instructions for how he may decline registration. The Department of Elections is required to transmit the information to the appropriate general registrar, along with any information indicating ineligibility. The Department of Elections is required to establish security requirements for transmission of information about potential registered voters and to report certain information regarding voter registration. The bill removes the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. (20103478D)

HB 872 (Bourne) (HPE) adds to the list of exceptions to the requirement that first-time voters who registered to vote by mail must vote in person those voters who are entitled under current law to vote by absentee ballot because they are confined while awaiting trial or for having been convicted of a misdemeanor. (20101730D)

SB 74 (Deeds) (SPE) requires the State Board of Elections to develop a pilot program for election day voter registration, by which a person who (i) offers to vote on election day but is not a registered voter, (ii) provides one of the allowable forms of identification specified by law, and (iii) provides proof of his residency, in a form specified by the State Board for this purpose, in the precinct in which he offers to vote, shall be permitted to register to vote and to cast a ballot. The bill provides a process by which the validity of such votes is determined. The bill requires participating localities to provide information on the implementation of the pilot program in its locality to the State Board by December 1 of each year in which it participates. The bill requires the State Board to submit a report on the pilot program to the Governor, the General Assembly, and the House and Senate Committees on Privileges and Elections, including a recommendation as to whether there should be statewide election day voter registration. The bill has an expiration date of December 31, 2022. (20100903D)

SB 92 (Marsden) (SPE) permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such a person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters. (20100922D)

SB 219 (Marsden) (SPE) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card if the person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. (20100923D)

SB 278 (Barker) (SPE) provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license; (ii) apply for, replace, or renew a special identification card; or (iii) change an address on an existing driver's license or special identification card if the person indicates that he is a United States citizen and is 17 years of age or older and, at the time of the transaction, does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction is punishable under Virginia law as a felony. Upon receipt of the information collected to ensure that the person meets all voter registration eligibility requirements, the Department of Elections is required to determine whether the person is already registered to vote. If the person is not already registered to vote, the Department of Elections is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications. (20103590D)

SB 666 (Boysko) (SPE) requires notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within five days of the denial. Such notice may be made by all available means, including by telephone and email. The bill requires the registration application to request that the applicant provide his telephone number and email address. If the general registrar is able to reach the applicant by telephone, any missing information may be provided and corrections may be made by the applicant by telephone. The bill contains technical amendments. (20101350D)

Miscellaneous

HB 202 (Tran) (HPE) requires the additional training for officers of elections occurring after a change in an election law or regulation to take place not less than three days prior to the first election occurring after the law or regulation has taken effect. Under current law, such training is required to take place not later than three days prior to the November general election following the enactment of the law or regulation. (20103596D)

HB 232 (Willett) (HPE) requires the Department of Elections to provide a reasonable number of mail voter registration application forms to public institutions of higher education, nonprofit private institutions of higher education that are eligible to participate in the Tuition Assistance Grant Program, and any other education institution that is authorized to issue bonds. The bill requires the State Council of Higher Education for Virginia to assist the Department by providing a list of such institutions and by requesting those institutions to make the mail voter registration application forms available to students. (20100301D)

HB 761 (VanValkenburg) (HPE) requires the governing body of any county, city, or town to submit, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, such qualification, prerequisite, standard, practice, or procedure by either (i) instituting an action in the Court of Appeals for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color or membership in a language minority group or (ii) submitting such qualification, prerequisite, standard, practice, or procedure to the Office of the Attorney General. No qualification, prerequisite, standard, practice, or procedure that is a covered practice shall be given effect until (a) the circuit court has entered such judgment, (b) the Attorney General has not interposed an objection within 60 days of the governing body's submission, or (c) upon good cause shown and to facilitate an expedited approval within 60 days of the governing body's submission, the Attorney General has affirmatively indicated that no such objection will be made. The bill is modeled after the Section 5 preclearance requirement of the Voting Rights Act of 1965, as amended. The bill defines "covered practice" as any change to the method of election in a locality, any change to jurisdiction boundaries, any change to election districts or wards, or any change that reduces, consolidates, or relocates voting locations. (20102058D)

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. (20103702D)

HB 1643 (Ayala) (HPE)/**HB 1678** (Lindsey) (HPE) extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. (20105493D, 20102034D)

HJ 23 (Ayala) (HRUL) requests the Department of Elections to conduct a study to (i) determine the kinds of blockchain technology that could be used to secure voter records and election results, (ii) determine the costs and benefits of using such technology as compared to traditional registration and election security measures, and (iii) make recommendations on whether and how to implement blockchain technology in practices affecting the security of voter records and election results. (20102047D)

SB 442 (Edwards) (SPE) reorganizes sections related to polling place activities and makes related technical amendments. This bill is a recommendation of the Virginia Code Commission. (20100021D)

SB 443 (Edwards) (SPE) reorganizes sections related to provisional voting and makes related technical amendments. This bill is a recommendation of the Virginia Code Commission. (20100022D)

SB 444 (Edwards) (SPE) reorganizes sections related to election recounts. The bill makes technical amendments and is a recommendation of the Code Commission. (20100033D)

SB 466 (Reeves) (SPE) directs the Department of Elections to provide lists of registered voters to the courts of the Commonwealth and the United States for jury selection purposes at no charge. Currently, such lists are provided for a reasonable price. (20102332D)

SB 555 (Spruill) (SPE) repeals several Acts of Assembly that implemented and enforced a state poll tax and provided for separate registration records on the basis of race. (20102509D)

Employment Issues and Grievances

HB 46 (Carter) (HLC) requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether the employer intends to accept or deny the claim or is unable to make such a determination because it lacks sufficient information

from the employee. If the employer is unable to make such a determination because it lacks sufficient information from the employee, the employer shall so state and identify the needed additional information. If the employer intends to deny the claim, it shall provide the reasons. (20100826D)

HB 140 (Davis) (HGL)/**HB 757** (Aird) (HGL) prohibits state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime. A prospective employee may not be asked if he has ever been arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. The prohibition does not apply to applications for employment with law-enforcement agencies or positions related to law-enforcement agencies. The prohibition also does not apply to applications for state agency positions designated as sensitive or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law. (20101346D, 20101284D)

SB 427 (Saslaw) (SCL) prohibits an employer from discharging, taking other retaliatory personnel action, or otherwise discriminating against an employee solely on the basis that such employee has filed for or has been issued an emergency protective order or a preliminary protective order against the employer or another employee of such employer. The bill establishes an administrative process for an employee that believes he has been discharged or discriminated against in violation against such prohibition. (20101732D)

SB 838 (Ebbin) (SCL) provides that an employee has a private cause of action against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due. If the court finds that the employer knowingly failed to pay wages to an employee, the court shall award the employee (i) reasonable attorney fees and other costs and (ii) unless the court finds that the employer's failure to pay was because of a bona fide dispute between the employer and employee, an amount equal to triple the amount of wages due. The measure provides that an employer that knowingly fails or refuses to pay wages, unless the failure to pay was because of a bona fide dispute between the employer and its employee, is guilty of a Class 1 misdemeanor if the value of the wages earned and not paid by the employer is less than \$10,000 or a Class 6 felony if the value of the wages earned and not paid is \$10,000 or more or if the conviction is a second or subsequent conviction. Currently, criminal liability attaches if an employer's nonpayment of wages is willful and with intent to defraud. The measure also provides that construction contracts entered into on or after July 1, 2018, shall be deemed to include a provision under which the general contractor and subcontractor at any tier are jointly and severally liable to pay the wages due to any subcontractor's employees. If the wages due to the subcontractor's employees are not paid, the general contractor is subject to criminal and civil penalties for which an employer is liable for failing or refusing to pay wages. The measure requires the subcontractor to indemnify the general contractor for wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay the wages unless the subcontractor's failure to pay wages was because of the general contractor's failure to pay moneys due to the subcontractor. The measure also provides that the lack of privity between the general contractor and the employees of the

subcontractor is not a defense in an action against the general contractor arising from nonpayment of wages to the subcontractor's employees. (20104975D)

SB 894 (Saslaw) (SCL) authorizes an individual who has not been properly classified as an employee to bring a civil action for damages against his employer for failing to properly classify the employee if the employer had knowledge of the individual's misclassification. The court may award damages in the amount of any wages, salary, employment benefits, including expenses incurred by the employee that would otherwise have been covered by insurance, or other compensation lost to the individual, a reasonable attorney fee, and the costs incurred by the employee in bringing the action. The measure provides that an individual who performs services for a person for remuneration shall be presumed to be an employee unless it is shown that the individual is an independent contractor as determined under the Internal Revenue Service guidelines. (20105117D)

SB 939 (Saslaw) (SCL) permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, including public school employees, and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. (20102021D)

SB 411 (Hashmi) (SCL) requires the Safety and Health Codes Board to adopt regulations establishing reasonable standards designed to protect employees from heat illness. The measure directs the standards to require employers to provide water, shade, rest periods, training, and emergency response procedures. The standards are also directed to require employers in certain industries to implement high-heat procedures when the temperature is 90 degrees Fahrenheit or warmer. The measure requires employers to pay employees one additional hour of pay at his regular compensation for each workday that it fails to provide the employee with five-minute rest period every hour or every half hour if the temperature is 90 degrees Fahrenheit or warmer. (20104779D)

Environment

HB 504 (Hope) (Reported from HAG) adds the preservation of mature trees, both as a stormwater management tool and as a means of providing other benefits, to the list of activities that the State Water Resources Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas. (20102168D)

HB 1192 (Lopez) (HCT) 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. (20105199D)

HJ 47 (Sickles) (HRUL) directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. (20104996D)

SB 320 (Lewis) (SACNR) 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 flooding. Moneys from the Fund may be used to mitigate future flood damage, with priority given to projects that implement community-scale mitigation activities or use nature-based solutions. Any locality using moneys from the Fund to provide loans may also forgive the principal of such loans, with the total amount of loans forgiven by all localities not to exceed 30 percent of the total amount appropriated to the Fund in that fiscal year. (20103519D)

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. (20104897D)

SB 704 (Mason) (SACNR) requires any operator of at least 50 acres of cropland in the Chesapeake Bay watershed to submit a nutrient management plan for such cropland by July 1, 2026, to the Department of Conservation and Recreation (DCR). DCR shall review such plans and provide technical assistance, and the operator shall have an affirmative defense if he has applied for cost-share funding and is waiting to receive such funds. The bill requires any person who owns 20 or more bovines in the watershed, beginning July 1, 2026, to install stream exclusion practices that satisfy regulations adopted by the Department of Environmental Quality (DEQ). The person shall have an affirmative defense if he has applied for cost-share funding and is waiting to receive such funds, or if his installed stream exclusion practices were damaged or destroyed. The bill authorizes DCR and DEQ to adopt regulations to carry out its provisions. The bill provides that if the Secretary of Natural Resources determines that sufficient numbers of stream exclusion practices or nutrient management plans have been put in place to satisfy the Commonwealth's commitments in the Chesapeake Bay Total Maximum Daily Load Phase III Watershed Implementation Plan, he shall, on or before December 31, 2025, recommend that all or part of the bill be repealed. (20105196D)

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. (20103284D)

SB 769 (Reeves) (SACNR) directs the Department of Environmental Quality (DEQ) to give deference to findings of fact by a presiding officer explicitly based on the evidence presented in any formal proceeding. The bill directs DEQ to include in its case decision the factual and legal basis for any decision that rejects a recommendation from the hearing officer or presiding officer. The bill requires a court hearing any decision on review in which a hearing officer has made a recommendation to DEQ on a factual issue to defer to such recommendation. A violation on account of gross negligence is a Class 1 misdemeanor. The bill also directs a court, hearing any decision on review for a formal proceeding initiated prior to July 1, 2020, in which DEQ rejected a recommendation from a hearing officer or presiding officer and for which a final adjudication has not been rendered, to remand the proceeding to establish the findings of fact by a presiding officer explicitly based on the evidence presented at the hearing and to establish the factual and legal basis for the decision prior to rendering such final adjudication. (20104943D)

Studies

SB 361 (Cosgrove) (SRUL) directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative

actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. (20102978D)

SJ 38 (Cosgrove) (SRUL) directs the Joint Commission on Technology and Science (JCOTS) to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. (20105279D)

Firearms

HB 78 (Kory) (HPS) prohibits a person who has been convicted of a misdemeanor violation of assault and battery of a family or household member from possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crime may petition the circuit court for a reinstatement of his right to possess or transport a firearm. (20100165D)

HB 425 (Simon) (HPS) requires any dealer who sells, trades, or transfers more than two firearms to an individual in a single transaction to report such transaction to the Department of State Police. The bill also provides that the State Police shall maintain multiple firearms transaction records for 12 months. Current law states that State Police shall maintain multiple handgun transaction records for 12 months. (20100289D)

HB 427 (Simon) (HPS) creates a Class 5 felony for any person who manufactures, imports, sells, transfers, or possesses any firearm that, after removal of all parts other than a major component, defined in the bill, is not detectable as a firearm by the types of detection devices, including X-ray machines, commonly used at airports for security screening. The bill updates language regarding the types of detection devices that are used at airports for detecting plastic firearms. (20101586D)

HB 600 (Hope) (HPS) requires that during the hours of operation of a family day home, all firearms be stored unloaded in a locked container, compartment, or cabinet and that ammunition be stored in a separate locked container, compartment, or cabinet. (20102002D)

HB 674 (Sullivan) (HPS) 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)

HB 900 (Levine) (HPS) prohibits a person who has been convicted of stalking, sexual battery, assault and battery of a family or household member, brandishing a firearm, or two or more convictions of assault and battery from possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor or, upon a third or subsequent conviction of this or certain other firearms offenses, is guilty of a Class 6 felony. (20104904D)

HB 961 (Levine) (HPS) expands the definition of "assault firearm" and prohibits any person from importing, selling, transferring, manufacturing, purchasing, possessing, or transporting an assault firearm. A violation is a Class 6 felony. The bill prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill also prohibits a person from carrying a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered in a public place; under existing law, this prohibition applies only in certain localities. The bill makes it a Class 6 felony to import, sell, transfer, manufacture, purchase, possess, or transport large-capacity firearm magazines, silencers, and trigger activators, all defined in the bill. Any person who legally owns an assault firearm, large-capacity firearm magazine, silencer, or trigger activator on July 1, 2020, may retain possession until January 1, 2021. During that time, such person shall (i) render the assault firearm, large-capacity firearm magazine, silencer, or trigger activator inoperable; (ii) remove the assault firearm, large-capacity firearm magazine, silencer, or trigger activator from the Commonwealth; (iii) transfer the assault firearm, large-capacity firearm magazine, silencer, or trigger activator to a person outside the Commonwealth who is not prohibited from possessing it; or (iv) surrender the assault firearm, large-capacity firearm magazine, silencer, or trigger activator to a state or local law-enforcement agency. The bill further states that any person who legally owns an assault firearm on July 1, 2020, may retain possession of such assault firearm after January 1, 2021, if such person has obtained a permit from the Department of State Police

to possess an assault firearm in accordance with procedures established in the bill. A person issued such permit may possess an assault firearm only under the following conditions: (a) while in his home or on his property or while on the property of another who has provided prior permission, provided that the person has the landowner's written permission on his person while on such property; (b) while at a shooting range, shooting gallery, or other area designated for the purpose of target shooting or the target range of a public or private club or organization whose members have organized for the purpose of practicing shooting targets or competing in target shooting matches; (c) while engaged in lawful hunting; or (d) while surrendering the assault firearm to a state or local law-enforcement agency. A person issued such permit may also transport an assault firearm between any of those locations, provided that such assault firearm is unloaded and secured within a closed container while being transported. The bill also provides that failure to display the permit and a photo identification upon demand by a law-enforcement officer shall be punishable by a \$25 civil penalty, which shall be paid into the state treasury. The bill also requires the Department of State Police to enter the name and description of a person issued a permit in the Virginia Criminal Information Network (VCIN) so that the permit's existence and current status will be made known to the law-enforcement personnel accessing VCIN for investigative purposes. (20104855D)

HB 1447 (Sickles) (HPS) provides that it is a Class 1 misdemeanor for a person under the influence of alcohol or illegal drugs to carry a loaded firearm on or about his person in a public place and that a person found guilty of such act is ineligible to apply for a concealed handgun permit for a period of five years. Current law provides that such prohibition applies only to persons permitted to carry a concealed handgun. (20102163D)

SB 14 (Saslaw) (SJUD) prohibits the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of a trigger activator, defined in the bill as (i) a device designed to be attached to a semi-automatic firearm, which allows the firearm to discharge two or more shots in a burst by activating the device, including a bump-fire device or a binary trigger, but does not convert the semi-automatic firearm into a machine gun or (ii) a manual or power-driven trigger activating device designed so that when attached to a semi-automatic firearm it increases the rate of fire of that firearm, including a trigger crank, but does not convert the semiautomatic firearm into a machinegun. A violation is punishable as a Class 6 felony. (20100506D)

SB 71 (Lucas) (SJUD) adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. Under current law, the list of such schools only includes public, private, or religious elementary, middle, or high schools. (20101206D)

SB 173 (Hanger) (SJUD) allows the holder of a valid concealed handgun permit to possess a stun weapon on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school. (20101379D)

SB 240 (Barker) (Senate Floor) 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 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-S3)

SB 248 (Favola) (SJUD) establishes the Virginia Gun Violence Intervention and Prevention Fund to be administered by the Department of Criminal Justice Services for the purpose of supporting gun violence intervention and prevention programs, including street outreach, hospital-based violence intervention, and group violence intervention programs. (20103329D)

SB 263 (Bell) (SJUD) removes the option for concealed handgun permit applicants to demonstrate competence with a handgun by completing an electronic, video, or online course conducted by a state-certified or National Rifle Association-certified firearms instructor. The bill does not affect any in-person means of satisfying the requirement to demonstrate competence with a handgun under current law. (20102385D)

SB 353 (Bell) (SJUD) prohibits the operation of an outdoor shooting range, defined in the bill, within 500 yards of any property zoned for residential use unless the Range Design Criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security have been met. The bill provides that any person who violates the provisions of this section is subject to a civil penalty of not less than \$1,000 nor more than \$100,000 for the initial violation and \$5,000 per day for each day of violation thereafter. (20102617D)

SB 436 (Surovell) (SJUD) creates the Virginia Voluntary Do Not Sell Firearms List (the List) that prohibits the possession, transportation, and sale of firearms to any person who voluntarily registers himself to be enrolled into the List. The List shall be maintained and updated by the Department of State Police. The bill makes it a Class 3 misdemeanor for any person enrolled into the List to purchase, possess, or transport a firearm. The bill disqualifies any person enrolled

into the List from obtaining a concealed handgun permit and prohibits such person from being employed by a firearms dealer. The bill also makes it a Class 1 misdemeanor for any person who sells, barter, gives, or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving, or furnishing, any firearm to any person he knows is enrolled into the List. The bill has a delayed effective date of July 1, 2021. (20100159D)

SB 476 (Chase) (SJUD) provides that the risk management plan established by the Division of Risk Management shall include coverage for any claim made by or on behalf of any person who is injured or killed upon any buildings, grounds, or properties owned or leased by a public elementary or secondary school or institution of higher education as a result of the criminal act of a third party if an armed security officer was not present on the premises and the carrying of a concealed handgun on such buildings, grounds, or properties was prohibited by regulation. The bill also provides that, in addition to providing for the actual damages arising from the person's injury or death, the coverage shall include an additional amount of \$350,000. (20104934D)

SB 490 (Favola) (SJUD) prohibits a person who has been convicted of stalking, sexual battery, or assault and battery of a family or household member from purchasing, possessing, or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crime may petition the circuit court for a reinstatement of his right to possess or transport a firearm and the factors a court shall consider in determining such reinstatement. (20104748D)

SB 543 (Edwards) (SJUD) requires the Department of State Police to perform a criminal history record information check on the prospective purchaser or transferee prior to the completion of any firearms transaction at a firearms show held in the Commonwealth. Current law requires the Department of State Police to be available at every firearms show held in the Commonwealth to perform criminal history record information checks but does not require such checks to be performed unless requested by a party involved in the transaction. (20101849D)

SB 593 (Hanger) (SJUD) 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. (20101435D)

Protective Orders and Firearms

HB 1004 (Mullin) (HPS)/**SB 479** (Howell) (SJUD) 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. (20103358D, 20103357D)

HJ 43 (Sullivan) (HRUL) directs the Department of Criminal Justice Services to study the enforcement of the law prohibiting individuals subject to permanent protective orders for family abuse from possessing firearms while such order is in effect. (20103875D)

Health and Human Services

HB 580 (Guzman) (HHWI) expands the definition of "abused or neglected child" to include any child whose parents, or other person responsible for his care, create or inflict, threaten to create or inflict, or allow to be created or inflicted upon such child a physical or mental injury on the basis of the child's gender identity or sexual orientation. (20102121D)

HB 809 (Delaney) (HHWI) requires a local department of social services to conduct an investigation or family assessment when, among other things, a report or complaint of child abuse or neglect is received in which the alleged abuser (i) is the child's relative by blood, marriage, or adoption; (ii) is the child's caretaker or has supervisory control over such child; or (iii) resides or is regularly present in the same household as the child. The bill also amends the definition of "abused or neglected child" to accommodate this directive. Under current law, local departments are only required to conduct an investigation or family assessment when the alleged abuser is the child's parent or other caretaker. (20103251D)

HB 860 (Bell) (HHWI) 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. (20104680D)

HB 1687 (Rasoul) (HFIN) establishes the Violence Intervention and Prevention Fund (the Fund), to be administered by the Department of Criminal Justice Services (the Department), to distribute

grants to localities and organizations for the purpose of improving public health and safety by supporting effective violence reduction initiatives in communities that are disproportionately impacted by violence, particularly homicides, shootings, and aggravated assaults. Funds may also be used to finance the hiring of counselors in public elementary and secondary schools and research initiatives that have the objective of reducing gun violence. The bill provides that the Department shall issue grants on a competitive basis. As a condition of receiving a grant, a locality or organization must commit a cash or in-kind contribution equivalent to the amount of the grant, with waivers allowed for good cause, and report on its progress toward achieving the grant's objectives. The bill requires the Department to provide public access to such reports. The bill imposes a 15 percent tax on the sale of any firearm or ammunition, with all revenue from the tax accruing to the Fund. Sales to state or local agencies or law-enforcement officers are exempt from the tax. (20100209D)

SB 501 (Reeves) (SRSS) allows home studies for purposes of adoption or foster care placements to be conducted by any person who has completed the home study training program established by regulations of the Board of Social Services. Under current law, such home studies must be conducted by a local board of social services or licensed child-placing agency. (20103296D)

SB 930 (Stuart) (SJUD) directs the Virginia Fusion Intelligence Center to (i) establish a 24-hour-a-day, seven-day-a-week toll-free Mental Health Crisis Intervention Hotline (the Hotline) to receive anonymous tips regarding individuals suspected to be in need of mental health treatment to facilitate mental health treatment, crisis intervention, and prevention of tragedies and (ii) develop and implement policies and procedures for referring tips received through the Hotline to state or local law enforcement, as may be appropriate, in a timely manner for follow-up and investigation. (20104477D)

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. (20104401D)

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)

Mandatory Outpatient Treatment

HB 699 (Hope) (HHWI) clarifies the types of evidence that may be considered by a court in determining whether continued mandatory outpatient treatment is warranted; clarifies the criteria that a court is required to consider when reviewing or determining whether to rescind or continue a mandatory outpatient order or order for mandatory outpatient treatment following inpatient treatment; provides that if a person who is the subject of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment files a petition for rescission of the order, the court shall appoint an examiner to personally examine the person to determine whether he meets the criteria for inpatient admission or mandatory outpatient treatment; limits the frequency with which a person who is the subject of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment may petition for review of such order to no more than once during each 90-day period following entry of such order; and makes clear that a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment remains in full force and effect unless rescinded by the court and that revocation of a person's agreement to abide by a mandatory outpatient treatment plan or discharge plan that has been approved by the court shall not rescind the mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment. (20104876D)

HB 702 (Hope) (HHWI) clarifies that a community services board must make efforts to assist a person with complying with the provisions of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment and that only in cases in which a person fails to comply with a mandatory outpatient treatment or order authorizing discharge to mandatory outpatient treatment following inpatient treatment despite efforts of the community services board to assist the person may the community services board petition for review of the mandatory outpatient order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment. (20102364D)

Vaping

HB 1185 (Lopez) (HCT) limits the sale of (i) flavored nicotine vapor products, including mint and menthol but not tobacco flavors, and (ii) high-nicotine vapor products above 30 mg strength to retail establishments that sell to persons 21 years of age or older and have proven age restriction processes. The bill requires such retail establishments to prove valid identification checks at the door upon entry and again before any transaction is processed and to maintain required age verification documentation for every transaction. The bill also prohibits all direct-to-consumer online sales that are intended to deliver nicotine vapor products and prohibits the sale of nicotine vapor products with additives other than traditional e-liquid ingredients (e.g., propylene glycol, vegetable glycerin, flavoring) that alter the performance characteristics of nicotine (e.g., benzoic acid). The bill further requires a person selling a tobacco product, nicotine vapor product, or alternative nicotine product to obtain identification as proof of a buyer's age in any circumstance. Under current law, such identification is not required from an individual who

the person has reason to believe is at least 21 years of age or who the person knows is at least 21 years of age. (20104944D)

HB 1283 (Hope) (HCT) prohibits any person from selling any tobacco product at retail (i) without first obtaining a permit from the Department of Taxation and (ii) at a location within 1,000 feet of a youth-oriented facility, defined in the bill. The bill prohibits Internet sales of tobacco products, except to a permit-holding retailer, and prohibits the sale of tobacco products from vending machines. The bill imposes civil penalties of up to \$1,500 for selling tobacco products without a permit and up to \$2,000 for selling tobacco products to persons under age 21. Permits would be subject to annual renewal and subject to revocation for violations of federal, state, or local laws related to tobacco products. The bill imposes recordkeeping requirements and makes it a Class 1 misdemeanor to engage in fraud or misrepresentation in connection with an application for a permit. The bill updates, for the purpose of the crime of selling or distributing tobacco products to a person younger than 21 years of age, the definition of "tobacco products" by including in such definition products currently defined as "nicotine vapor products" or "alternative nicotine vapor products." The bill also removes provisions prohibiting the attempt to purchase, purchase, or possess tobacco products by persons younger than 21 years of age. The bill provides that the punishment of a retail establishment that sells, gives, or furnishes a tobacco product to a person younger than 21 years of age or to a person who does not demonstrate that such person is at least 21 years of age is a civil penalty of \$500 for a first offense, a civil penalty of \$1,000 for a second offense, and a civil penalty of \$2,500 and a suspension or revocation of such establishment's distributor's license for a third or subsequent offense, regardless of the type of tobacco product. Under current law, such penalties apply only to the sale, distribution, or purchase of a bidi and do not require a suspension or revocation of the establishment's distributor's license, while violations involving all other products are punishable by a civil penalty of \$100 for a first offense, a civil penalty of \$200 for a second offense, and a civil penalty of \$500 for a third or subsequent offense. The bill also removes the exception allowing the sale, giving, or furnishing of any tobacco product, nicotine vapor product, or alternative nicotine vapor product to active-duty military personnel who are 18 years of age or older. Finally, the bill requires agents of the Virginia Alcoholic Beverage and Control Authority to conduct a minimum number of two compliance checks each year on any retailer selling tobacco products and to use a person younger than 21 years of age to conduct such checks. (20105166D)

HB 1365 (Leftwich) (HCT) prohibits the manufacture, sale, or distribution of any imitation nicotine vapor product, defined in the bill as any (i) counterfeit nicotine vapor product, also defined in the bill, or (ii) any liquid nicotine or nicotine vapor product that was not manufactured, prepared, compounded, or processed by a person registered with the U.S. Food and Drug Administration (FDA). The bill makes a first violation a Class 1 misdemeanor and a second or subsequent offense a Class 6 felony, provided that the accused was at liberty between each conviction and it is admitted, or found by the jury or judge before whom the person is tried, that the accused was previously convicted of a violation. (20101170D)

HB 1570 (VanValkenburg) (HCT) provides an exception to the law prohibiting possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 21 years of age when such possession is part of a scientific study being conducted by an

organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee. (20104330D)

Housing

HB 854 (Murphy) (HRUL) directs the Department of Housing and Community Development and the Virginia Housing and Development Authority to convene a stakeholder advisory group to (i) determine the quantity and quality of affordable housing across the Commonwealth, (ii) conduct a review of current programs and policies to determine the effectiveness of current housing policy efforts, (iii) develop an informed projection of future housing needs in the Commonwealth and determine the order of priority of those needs, and (iv) make recommendations for the improvement of housing policy in the Commonwealth. (20104978D)

SB 708 (McClellan) (SGL) requires that any housing authority required to submit an application to the U.S. Department of Housing and Urban Development to demolish, liquidate, or otherwise dispose of a housing project serve a notice of intent to demolish, liquidate, or otherwise dispose of such housing project, containing specified information, at least 12 months prior to any application submission date to (i) the Virginia Department of Housing and Community Development, (ii) the clerk of the city or county in which the housing project is located, (iii) any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project, and (iv) each tenant residing in the housing project. The bill requires the authority to also serve such notice on any prospective tenant who is offered a rental agreement subsequent to the initial notice. During the 12-month period subsequent to the initial notice of intent to demolish, liquidate, or otherwise dispose of a housing project, the housing authority is prohibited from (a) increasing rent for any tenant above the amount authorized by any federal assistance program applicable to the housing project; (b) changing the terms of the rental agreement for any tenant, except as permitted under the existing rental agreement; or (c) evicting a tenant or demanding possession of any dwelling unit in the housing project, except for a lease violation or violation of law that threatens the health and safety of the building residents. (20105098D)

SB 778 (Lewis) (SLG) extends the sunset date for several measures related to various land use approvals from July 1, 2020, to July 1, 2023. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2020. (20104089D)

SB 905 (Stanley) (SGL) permits a tenant, where there is a violation of the landlord's duty to maintain fit and habitable premises, to have the condition remedied by a third party. In such a case, provided that the tenant has given the landlord documentation of the repair by a third party and an itemized bill reflecting the actual and reasonable costs of the repair, the tenant may deduct such costs from subsequent periodic rent payments until they are recuperated. (20104774D)

Land Use

HB 505 (Knight) (HCCT) provides that once the circuit court issues an allowance of a writ of certiorari in response to a petition from a party aggrieved by a board of zoning appeals decision, the board of zoning appeals shall have 21 days to respond. (20102600D)

HB 554 (VanValkenburg) (HCCT) authorizes a locality to disapprove an application submitted for an administrative review-eligible project or for any zoning approval required for a standard process project that proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, on grounds that an applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area. (20102447D)

HB 831 (Carroll Foy) (HTECH) declares that it is the policy of the Commonwealth that easements be used to provide communications services, that such use is in the public interest, and that such use of the easements where no new poles are erected does not constitute a change in the physical use of the easement or interfere with, impair, or take any vested or other rights of the owner or occupier of the servient estate, or place any additional burden on the servient estate. The measure further provides that the installation and operation of communications services within any such electric easements are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology, and absent any express prohibition contained in the easement itself, will be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric utility facilities. The measure limits the damages that may be recovered in any trespass action arising from such use of an easement to the lesser of actual damages based on any reduction in the value of the land as a result of the existence, installation, construction, maintenance, modification, operation, repair, or replacement of communications facilities, or \$2,000 per tract of land. (20104845D)

HB 1068 (Kory) (HTECH) provides that if a public service company has acquired a prescriptive easement pursuant to which it has the right to poles and wires to provide electric service, its rights under that prescriptive easement shall be deemed to include the right to grant to a provider of broadband or other telecommunications services the rights to attach its wires and facilities to the public service company's poles and to enter upon the right-of-way to install and maintain the wires and facilities, without the approval of the owner of the servient tract of land. (20102905D)

HB 1685 (Knight) (HCCT) provides that no locality shall require a person to register a short-term rental pursuant to the locality's land use and zoning authority if the person meets certain criteria set out in the bill. (20105804D)

SB 24 (Petersen) (Reported from SACNR) adds horseback riding or stabling to the definition of "agritourism activity." Agritourism activities have limited liability for the inherent risks of the activity under certain conditions. (20100596D)

SB 302 (Stanley) (SCL) provides that any utility easement, granted before, on, or after July 1, 2020, whether granted publicly or privately, by statute, local ordinance, deed, or other recorded instrument, or by prescription, shall be deemed to include the laying, hanging, and maintenance of fiber optic cable. The bill further provides that any utility easement shall also be deemed to include access over private or public lands to permit the grantee to have physical access to such cable, unless the instrument granting the easement was recorded prior to July 1, 2020, and specifically states otherwise. (20100783D)

SB 509 (Reeves) (SJUD) prohibits any city or county east of the Interstate 95 corridor from prohibiting otherwise lawful hunting of migratory game birds in the jurisdictional waters of the Commonwealth and provides that no stake or stationary waterfowl blind that is erected in such public waters shall be located less than 150 yards from any occupied residence, church, or commercial building, unless the owner gives written permission to locate the blind or stake closer to the residence, church, or commercial building. (20103794D)

SB 621 (Deeds) (SACNR) provides that if language in an open-space or conservation easement acquired pursuant to state law is ambiguous, such language shall be construed against the grantor and in favor of the grantee. (20102937D)

SB 647 (Boysko) (Senate Floor) provides for the transition of certain existing development approvals when a subject property shifts from one jurisdiction to another due to annexation, boundary adjustment, or other cause. The bill contains a grandfather clause for certain existing provisions. (20103043D)

SB 673 (Mason) (SACNR) prohibits any person from constructing a well in a ground water management area for nonagricultural irrigation purposes except in the surficial aquifer. The bill authorizes the State Water Control Board (the Board) to adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. The bill directs the Board to promulgate regulations establishing criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use. (20102478D)

SB 674 (Mason) (SACNR) authorizes the Secretary of Natural Resources, the Secretary of Agriculture and Forestry, or any agency within those secretariats, or the Virginia Outdoors Foundation to enter into an agreement, with certain provisions, with the owner or operator of construction projects to accomplish forest mitigation, as defined in the bill. The bill provides that no such agreement shall (i) include any waiver of liability for environmental damage caused by the construction project or (ii) guarantee regulatory approval for a construction project by any state agency. (20102486D)

SB 792 (Lewis) (SJUD) allows a 501(c)(4) social welfare organization to obtain a land use permit from the Department of Transportation to use rights-of-way to operate a wholesale open-access fiber network. (20103864D)

SB 794 (Lewis) (SCL) declares that it is policy of the Commonwealth that (i) existing easements for the location and use of electric facilities be used to provide or expand broadband services; (ii) such use of existing easements to provide or expand broadband services is in the public interest; (iii) the use of such existing easements for the provision of broadband services, where no additional poles are erected, does not constitute a change in the physical use of the easement, interfere with or impair any vested rights of the owner or occupier of the servient estate, or place any additional burden on the servient estate; and (iv) the installation and operation of broadband services within an existing electric easement are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure also establishes that in the absence of any express prohibition on the installation and operation of broadband services in an existing electric easement, the installation and operation of broadband services within the existing electric easement shall be deemed as a matter of law to be permitted uses within the scope of every easement for the location and use of electricity facilities. The measure also limits the damages that a landowner may be awarded in any trespass action against a public utility arising from the installation, maintenance, or operation of any utility poles, wires, conduit, or other infrastructure or fiber optic cabling to the lesser of actual damages or \$2,000 per landowner bringing a claim. (20104980D)

Eminent Domain

SB 28 (Petersen) (SJUD) eliminates specific provisions for the assessment of costs in eminent domain proceedings where the condemnor is a public service company, public service corporation, railroad, or government utility corporation and provides that all costs shall be assessed in the same manner, regardless of the identity of the condemnor. (20100603D)

Monuments

HB 1537 (McQuinn) (HCCT) provides that a locality may remove, relocate, or alter any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. (20102770D)

SB 183 (Locke) (SLG) provides that a locality may remove, relocate, or alter any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. (20101204D)

SB 560 (Spruill) (SLG) provides that a locality may remove, relocate, or alter any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials. (20102772D)

SB 620 (Deeds) (SLG) removes a prohibition on (i) disturbing or interfering with any war monument or memorial erected by a locality or (ii) preventing citizens from maintaining such monument or memorial. The bill authorizes a locality to alter, move, or remove any monument or memorial from the locality's public property and removes certain criminal and civil penalties for such. (20104349D)

Marijuana

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 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 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)

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)

HJ 130 (Heretick) (HRUL) 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)

HJ 132 (Herring) (HRUL) Study; Joint Subcommittee to Study the Development of a Framework for Regulated Adult-Use of Cannabis and Medical Cannabis; report. (20105549D)

SB 2 (Ebbin) (SJUD) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50. 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 and substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill defines marijuana to include hashish oil. 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 also allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession when all court costs and fines and orders of restitution have been paid. The bill contains technical amendments. (20100705D)

SB 815 (Morrissey) (SJUD) 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 apply only to criminal violations or civil violations by a juvenile, and the driver's license suspension provisions apply only to criminal violations. 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. (20103848D)

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. (20105313D)

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

Opioids

HB 605 (Brewer) (HCT) provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill serves to overrule the Court of Appeals of Virginia decision in *Woodard v. Commonwealth*, 61 Va. App. 567, 739 S.E.2d 220 (2013), *aff'd*, 287 Va. 276, 754 S.E.2d 309 (2014). (20103238D)

SB 667 (Boysko) (SJUD) provides that no individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol; possession of a controlled

substance; possession of marijuana; intoxication in public; or possession of controlled paraphernalia if (i) such individual (a) seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, or (b) is experiencing an overdose and another individual seeks or obtains emergency medical attention for him; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of an individual seeking or obtaining emergency medical attention. Current law provides an affirmative defense to such offenses only when an individual seeks or obtains emergency medical attention for himself, if he is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose. (20104169D)

Procurement and Contracts

HB 847 (Runion) (HCT)/**SB 195** (Cosgrove) (SJUD)/**SB 607** (Norment) (SJUD) provides that no action may be brought by a public body on any construction contract, including construction management and design-build contracts, unless such action is brought within five years after completion of the work on the project, and provides that no action may be brought by a public body on a warranty or guaranty in such construction contract more than one year from the breach of that warranty, but in no event more than one year after the expiration of such warranty or guaranty. The bill also limits the time frame during which a public body, other than the Department of Transportation, may bring an action against a surety on a performance bond to within one year after completion of the work on the project. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guaranties, or (ii) discovery of the defect or breach of warranty that gave rise to the action. The bill contains technical amendments. (20102838D, 20102791D, 20102689D)

HB 1300 (Hurst) (HCT) provides that no action may be brought by a public body on any construction, architectural, or engineering contract, including construction management and design-build contracts, unless such action is brought within five years after completion of the work on the project, and provides that no action may be brought by a public body on a warranty or guaranty in such construction contract more than one year from the breach of that warranty, but in no event more than one year after the expiration of such warranty or guaranty. The bill also limits the time frame during which a public body may bring an action against a surety on a performance bond to within one year after completion of the work on the project. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guaranties, or (ii) discovery of the defect or breach of warranty that gave rise to the action. The bill contains technical amendments. (20105008D)

SB 487 (Bell) (Reported from SGL) increases from four to five the number of times that a public body may renew a one-year term contract for architectural or professional engineering services related to multiple construction projects. The bill also adds an alternative option for public bodies

to instead choose one five-year term contract for such services with no option for renewals. The bill increases the aggregate limit for architectural and engineering services contracts for localities for projects performed in a one-year contract term from \$6 million to \$10 million. The bill also increases the aggregate limit for architectural and engineering services contracts for environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways for projects performed in an initial two-year term contract from \$5 million to \$10 million. (20104942D)

SB 645 (Surovell) (SGL) requires a locality, for any procurement contract for goods and services and any purchasing decision, to ensure that solicitations require the bidder to disclose certain information regarding pre-dispute arbitration clauses and consider each bidder's policies and practices related to arbitration. The bill requires each locality to seek to contract with qualified entities and business owners that can demonstrate or will certify that they do not use pre-dispute arbitration clauses in contracts with employees or consumers, and evaluate bidders based on disclosures required under the bill, in the event no bidder can demonstrate or will certify that they do not use pre-dispute arbitration clauses in contracts with employees or consumers. The bill authorizes a locality to cancel, terminate, or suspend, in whole or in part, the contract of any contractor who violates a provision of the bill, and declare the contractor ineligible for further contracts with such locality. (20104696D)

Public Safety/Criminal Justice

HB 1035 (Simon) (HCT) prohibits the Compensation Board, when determining staffing and funding levels for offices of attorneys for the Commonwealth, from (i) considering the number of charges brought or the number of convictions obtained by such attorney for the Commonwealth; (ii) relying on standards devised or recommended by the attorney for the Commonwealth, law-enforcement agencies, or professional associations representing attorneys for the Commonwealth or law-enforcement officers; or (iii) using measures that increase if an attorney for the Commonwealth (a) elects to prosecute a more serious charge, (b) elects to prosecute additional charges from a single arrest or criminal incident, (c) obtains convictions rather than dismissing charges or offering reduced charges, or (d) proceeds with prosecution rather than diversion. The bill also requires attorneys for the Commonwealth to pay all fees collected by them in consideration of the performance of official duties or functions into the state treasury, instead of only half of such fees. The bill requires the State Treasurer to pay to the treasuries of the respective counties and cities of the attorneys for the Commonwealth a proportion of half of all such fees collected by all attorneys for the Commonwealth, as determined by each county or city's crime rate, criminal incident rate, or arrest rate. Finally, the bill changes the fees collected by attorneys for the Commonwealth on trials of felony indictments from \$40 on each count to \$120 for each trial of a Class 1 or Class 2 felony indictment, or other felony that carries a possible penalty of life in prison, except robbery, and \$40 for each trial on robbery and all other felony indictments regardless of the number of counts. The bill contains technical amendments. (20102861D)

HB 1044 (Krizek) (HCT) increases from a Class 3 misdemeanor to a Class 1 misdemeanor the punishment for a person who installs or places an electronic tracking device through intentionally

deceptive means and without consent, or causes an electronic tracking device to be installed or placed through intentionally deceptive means and without consent, and uses such device to track the location of any person. (20104618D)

SB 64 (Lucas) (SJUD) provides that a person is guilty of unlawful paramilitary activity if such person assembles with another person with the intent of intimidating any person or group of persons by drilling, parading, or marching with any firearm, any explosive or incendiary device, or any components or combination thereof. Such unlawful paramilitary activity is punishable as a Class 5 felony. (20101207D)

SB 148 (Stuart) (SJUD) provides that the provisions regarding driving or operating a motor vehicle, engine, or train while intoxicated and the provisions regarding operating a motor vehicle by a person under the age of 21 after illegally consuming alcohol shall not apply to any person driving or operating a motor vehicle on his own residential property or the curtilage thereof. (20101417D)

SB 169 (DeSteph) (SJUD) provides that a magistrate may not issue an arrest warrant for a misdemeanor offense where the accused is a law-enforcement officer and the alleged offense arises out of the performance of his public duties upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency. The bill provides for the appointment of an attorney for the Commonwealth from outside the jurisdiction if a conflict of interest exists for the attorney for the Commonwealth having jurisdiction. (20101140D)

SB 798 (Morrissey) (SJUD) specifies that a person is guilty of an offense of driving or operating a motor vehicle (i) after his driver's license has been revoked for certain offenses; (ii) in violation of the terms of a restricted license; (iii) without an ignition interlock system if one is required; or (iv) if the person's license had been restricted, suspended, or revoked for certain driving under the influence offenses, with a blood alcohol content of 0.02 percent or more, only if such person was driving or operating the motor vehicle on a highway, as defined in Title 46.2, Motor Vehicles. (20100954D)

SB 844 (Mason) (SJUD) expands the crime of computer trespass to provide that the prohibited actions that constitute computer trespass are criminalized if done through intentionally deceptive means and without authority and specifies that a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator does not have to provide notice of its activities to a computer user that a reasonable computer user should expect may occur. (20101866D)

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. (20105189D)

Driver's License Suspension – Non-Driving Related Offenses

SB 512 (Edwards) (SJUD) removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense and (ii) for violations not pertaining to the operator or operation of a motor vehicle. The provisions of this bill have a delayed effective date of September 1, 2020. (20101874D)

SB 513 (Edwards) (SJUD) removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense; (ii) for non-payment of certain fees owed to a local correctional facility or regional jail; and (iii) for shoplifting motor fuel. (20102914D)

SB 711 (McClellan) (SJUD) eliminates the mandatory minimum term of confinement in jail of 10 days for a third or subsequent conviction of driving on a suspended license. (20104841D)

Schools and Law Enforcement

HB 8 (Bourne) (HCT)/**SB 3** (McClellan) (SJUD) eliminates the Class 1 misdemeanor for disrupting willfully or while intoxicated, whether willfully or not, the operation of any school or any school activity conducted or sponsored by any school if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed. (20100560D, 20100173D)

HB 256 (Mullin) (HCT) provides that a student at any elementary or secondary school is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on school property or a school bus. (20100028D)

HB 1419 (Jones) (HCT) requires school resource officers and school security officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment that includes training on (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research. (20102267D)

SB 59 (Hanger) (SJUD) changes from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school is a suspect in or has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel. (20100294D)

SB 197 (Cosgrove) (SJUD) provides that any person who orally threatens another person in person to kill or do bodily injury to such other person or any member of the other person's family, and the threat places such other person in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 5 felony. The bill also provides that any person who orally threatens to kill or do bodily harm to another person in person (i) on the grounds or premises of any elementary, middle, or secondary school property; (ii) at any elementary, middle, or secondary school-sponsored event; or (iii) on a school bus to any person or persons is guilty of a Class 6 felony. (20103754D)

Taxation

HJ 103 (Helmer) (HRUL)/**SJ 58** (Morrissey) (SPE) provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from state and local taxes. The amendment provides that only automobiles and pickup trucks qualify for the exemption. Additionally, the exemption is only applicable on the date the motor vehicle is acquired or the effective date of the amendment, whichever is later, and is not applicable for any period of time prior to the effective date of the amendment. (20101916D, 20103837D)

SB 273 (Bell) (Reported from SFIN) extends the sunset date for the classification of tangible personal property used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District as a separate class of property from June 30, 2019, to June 30, 2029. (20102630D)

SB 332 (Stuart) (SFIN) allocates sales tax revenues collected from remote sellers, pursuant to Chapters 815 and 816 of the Acts of Assembly of 2019, to the Transportation Trust Fund to be used for the maintenance and repair of existing highways. (20104209D)

SB 820 (Morrissey) (SPE) provides for a referendum at the November 3, 2020, election to approve or reject a personal property tax exemption for a motor vehicle that is owned and used primarily by or for a veteran of the armed forces of the United States or the Virginia National Guard who has a one hundred percent service-connected, permanent, and total disability. (20104381D)

Transportation

HB 130 (McNamara) (HTRAN) abolishes the state motor vehicle safety inspection program. (20101215D)

SB 125 (Suetterlein) (STRAN) abolishes the state motor vehicle safety inspection program. (20103748D)

HB 767 (LaRock) (HTRAN) decreases from 12,000 to 10,000 pounds the minimum gross vehicle weight rating for which certain localities may regulate or prohibit the parking of a vehicle on a public highway in a residence district. The bill adds Frederick County to the list of localities that that are permitted to regulate or prohibit the parking on any public highway of watercraft,

boat trailers, motor homes, and camping trailers and to regulate or prohibit the parking of commercial vehicles on any public highway in a residence district. (20100853D)

HB 1390 (O'Quinn) (HFIN) establishes the Rural Transportation Fund, to be funded by transferring 10 percent of annual lottery revenues in fiscal years 2020 through 2024 from the Lottery Proceeds Fund. All lottery revenues transferred to the Rural Transportation Fund shall be used solely for the purposes of funding transportation projects in (i) Planning District 1, 2, 3, 4, 5, or 6 or (ii) any locality with a population of no greater than 100,000. (20102156D)

HB 1427 (Krizek) (HTRAN) authorizes a private vendor operating a video monitoring system for a school division for the purpose of recording those illegally passing stopped school buses to impose and collect an administrative fee to recover the cost of collecting the civil penalty to be paid by the operator of the vehicle. The bill contains technical amendments. (20102272D)

HB 1439 (Jones) (HTRAN) adopts several initiatives related to transportation and safety, including: (i) making it illegal to possess an open container of alcohol in a motor vehicle, (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense, (iii) prohibiting the use of handheld personal communication devices, (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine, and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. The Commissioner of the Department of Motor Vehicles will establish an advisory committee to oversee education and enforcement of policies such as the seatbelt and hands-free provisions. The bill also changes the vehicle inspection safety program to only require inspections of salvage vehicles that have been rebuilt for highway use, converted electric vehicles, and off-road motorcycles that have been converted to on-road use. The bill contains numerous technical amendments. (20104140D)

HB 1442 (Jones) (HTRAN) authorizes law-enforcement officers to operate handheld photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such handheld photo speed monitoring device. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit by the handheld photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred. (20102488D)

HB 1714 (Wyatt) (HTRAN)/**SB 1011** (McDougle) (STRAN) authorizes a resident administrator of the Virginia Department of Transportation to approve modifications to the Department's design standards in certain situations. (20104947D, 20105282D)

SB 230 (Petersen) (SFIN) provides that, for purposes of the grantor's tax and regional transportation improvement fee (the regional WMATA capital fee), the grantor and grantee may arrange that the grantee pay all or a portion of the tax or fee. Current law requires the grantor to pay the tax or fee. (20102139D)

SB 659 (Surovell) (SJUD) provides that the negligence of a pedestrian, bicyclist, or other person lawfully using a device other than a motor vehicle on a public highway who is involved in a collision with a motor vehicle shall not bar a plaintiff's recovery in any civil action unless the plaintiff's negligence is (i) a proximate cause of the plaintiff's injury and (ii) greater than the aggregated total amount of negligence of all the defendants that proximately caused the plaintiff's injury. (20101064D)

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) (HTRAN) 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)

SB 871 (Marsden) (STRAN) 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. (20102647D)

SB 907 (Lucas) (STRAN) adopts several initiatives related to transportation and safety, including: (i) making it illegal to possess an open container of alcohol in a motor vehicle, (ii) requiring all passengers in a vehicle to wear safety belts and making failure to wear a safety belt a primary offense, (iii) prohibiting the use of handheld personal communication devices, (iv) establishing a speed monitoring program in highway safety corridors that uses a vehicle sensor to take a picture of a vehicle traveling more than 10 miles over the speed limit, subjecting the driver to a monetary fine, and (v) allowing localities to lower the speed limit below 25 miles per hour in business and residential districts. The Commissioner of the Department of Motor Vehicles will establish an advisory committee to oversee education and enforcement of policies such as the seatbelt and hands-free provisions. The bill also changes the vehicle inspection safety program to only require inspections of salvage vehicles that have been rebuilt for highway use, converted electric vehicles, and off-road motorcycles that have been converted to on-road use. The bill contains numerous technical amendments. (20104138D)

SB 911 (Hashmi) (STRAN) prohibits a person from parking a vehicle not capable of receiving an electric charge in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of \$500, and the vehicle may be towed or impounded. (20103753D)

SB 1038 (Lucas) (STRAN) creates the Hampton Roads Transportation District Regional Transit Program to develop, maintain, and improve a regional network of transit routes and related infrastructure, rolling stock, and support facilities. The program would be funded by an additional regional motor vehicle fuels sales tax at a rate of 1.9 percent of the wholesale cost of unleaded gasoline and 0.9 percent of the wholesale cost of diesel fuel. The moneys would be deposited into the Hampton Roads Regional Transit Fund, created by the bill. (20105538D)

Distracted Driving

HB 377 (Willett) (HTRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20102351D)

HB 512 (Bulova) (HTRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20101521D)

HB 675 (Robinson) (HTRAN) clarifies that the prohibition on the use of a wireless communications device by the holder of a provisional driver's license applies whether or not the device is being used for communication purposes. The bill exempts the use of applications for solely navigation purposes and global positioning systems provided that the driver does not enter information into or manually manipulate the device or system while operating the vehicle. (20101547D)

HB 874 (Bourne) (HTRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20101920D)

HB 978 (LaRock) (HTRAN) provides that a person is guilty of improper driving if he drives without (i) giving his full time and attention to the operation of the vehicle or (ii) keeping the vehicle under proper control at all times. Current law allows a court to lower a charge of reckless driving to improper driving but does not allow law enforcement to charge a person with improper driving, under the bill a traffic infraction punishable by a fine of not more than \$500. (20104178D)

SB 136 (Stuart) (STRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20101412D)

SB 160 (Surovell) (STRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20100741D)

SB 437 (Surovell) (STRAN) provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or a person operating a bicycle, electric wheel chair, electric bicycle, wheelchair, skateboard, skates, motorized skateboard or scooter, or animal-

drawn vehicle or riding an animal, is guilty of a Class 1 misdemeanor. The bill also prohibits the driver of a motor vehicle from crossing into a bicycle lane to pass or attempt to pass another vehicle, except in certain circumstances. (20100562D)

SB 932 (Kiggans) (STRAN) adds school crossing zones and school property to the locations in which a driver is prohibited from holding a handheld personal communications device in his hand while driving a motor vehicle, with certain exceptions. The bill provides that a violation is punishable by a mandatory fine of \$250. Current law prohibits (i) the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating and (ii) the holding of a handheld personal communication device in a highway work zone, with the same exceptions. (20104574D)

SB 944 (Saslaw) (STRAN) prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bill expands the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. This bill has a delayed effective date of January 1, 2021. (20104384D)

Peer-to-Peer Vehicles

SB 735 (Newman) (SCL) establishes insurance, taxation, recordkeeping, disclosure, and safety recall requirements for peer-to-peer vehicle sharing platforms, defined in the bill. (20105109D)

Undergrounding

HB 576 (Keam) (HLC) specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure provides that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the costs of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause. Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line overhead. The measure provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed. The measure exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed. The measure adds that the pilot program is created to further understanding of the benefits of undergrounding existing electric transmission lines to promote economic development. (20102639D)

SB 782 (Saslaw) (SCL) specifies that one of the two projects that may be included in the pilot program for the undergrounding of electric transmission lines shall be for the relocation or conversion of an existing 230-kilovolt overhead line to an underground line. The measure provides that such a project may be approved if the estimated additional cost of placing the line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the costs of placing the same line overhead, which costs are borne by all of the utility's ratepayers through a rate adjustment clause. Currently the cost of such a project is ineligible if it exceeds 2.5 times the cost of placing the same line overhead. The measure provides that such a project may be approved for participation in the pilot program if its primary need is related to the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed. The measure exempts a project that satisfies the criteria for participation in the pilot project from the requirement that the State Corporation Commission find that the transmission line is needed. The measure adds that the pilot program is created to further understanding of the benefits of undergrounding existing electric transmission lines to promote economic development. (20102023D)

SB 784 (Saslaw) (SCL) requires that any transmission line of 230 kilovolts or less that is proposed to connect to a proposed new substation that has received local final development plan approval be placed underground if (i) such line would extend from an existing substation that will be powered by a transmission line of 230 kilovolts or less, (ii) such line received a certificate of public convenience and necessity from the Commission to be placed underground prior to December 31, 2018; (iii) the portion of such line between the existing substation and the proposed new substation is not more than 4,500 linear feet; and (iv) the total cost of undergrounding the proposed relocated transmission line does not exceed \$40 million. The bill requires that existing overhead transmission lines that meet such criteria be replaced and relocated with a new underground transmission line and that the location of the new underground transmission line be consistent with the comprehensive plan and the economic development priorities of the governing body of the locality in which the new underground transmission line is to be placed. The bill has an expiration date of December 31, 2021. (20102022D)

Workers' Compensation

SB 741 (McPike) (SFIN) establishes a presumption that if certain firefighters, law-enforcement officers, hazardous materials officers, animal protection police officers, or 9-1-1 emergency call takers, dispatchers, or similarly situated employees (i) receive a diagnosis of post-traumatic stress disorder (PTSD) from a licensed physician, licensed clinical psychologist, licensed professional counselor, or licensed clinical social worker; (ii) suffer death or any impairment resulting in total or partial disability from work caused by the PTSD; and (iii) receive a statement from such a provider that the PTSD was caused by a single critical event or multiple exposures to critical events that occurred in the course of the employment, then the PTSD is an occupational disease, suffered in the line of duty, that is covered by the Virginia Workers' Compensation Act unless such presumption is overcome by a preponderance of competent evidence to the contrary. The measure provides that a "critical event" includes an event that results in serious injury or death to an individual; deals with a minor who has been injured, killed, abused, exploited, or a

victim of a crime; deals with mass casualties; results in injury to or the death of a coworker; involves an immediate threat to the life of the claimant or another individual; or involves the abuse, cruelty, injury, exploitation, or death of an animal. (20101165D)

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

Miscellaneous

HB 172 (Krizek) (HCT) creates the Virginia State Police Electronic Summons System Fund, which is funded by a \$5 fee required by the bill to be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation; executed the warrant; or made the arrest. The bill directs that the Fund be used for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Under current law, localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes. (20103771D)

HB 1407 (Ward) (HFIN) prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless and until it is shown to the satisfaction of the Department of Taxation that such individual is an independent contractor under Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. The bill has a delayed effective date of January 1, 2021. (20105144D)

SB 188 (Peake) (SRUL) requires legislation with a negative local fiscal impact to be filed no later than the December 15 immediately preceding the first day of a regular session of the General Assembly. If a standing committee of the General Assembly to which a bill is referred that was not introduced by December 15 determines that a bill has a negative local fiscal impact, the bill shall be rereferred to the House or Senate Committee on Rules as appropriate. If the Committee on Rules determines that there is a negative local fiscal impact, the bill shall be ruled out of order. The bill also requires the Commission on Local Government to work with the Virginia Association of Counties and the Virginia Municipal League to develop processes and procedures for a review of fiscal impact of legislation. (20104186D)

SJ 35 (Edwards) (SRUL) establishes a joint subcommittee to study the Commonwealth's requirements related to barrier crimes and criminal history records checks. The resolution directs the joint subcommittee to, in conducting its study, develop recommendations related to (i) whether statutory provisions related to criminal history records checks, barrier crimes, and barrier crime exceptions should be reorganized and consolidated into a central location in the Code of Virginia; (ii) whether certain crimes should be removed from the list of barrier crimes; (iii) whether barrier crime exceptions and waiver processes should be broadened; (iv) whether the required amount of time that must lapse after conviction of certain barrier crimes should be shortened; and (v) other changes that could be made to criminal history records check and barrier

crimes requirements that would improve the organization, effectiveness, and fairness of such provisions. (20102494D)

Administration of Government

HB 321 (Levine) (HTECH) adds to current provisions regarding meetings that a public body may conduct through electronic communication means a meeting for which on or before the day of a meeting a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to a serious medical condition of an immediate family member. The bill also clarifies that participation in an electronic meeting by a member of a public body due to an inability to attend because of a personal matter is limited each calendar year to either two meetings or 10 percent of the meetings held that calendar year, whichever is greater. (20104275D)

HB 515 (Bulova) (HCCT) requires a county operating under the urban county executive form of government (Fairfax County) to designate an additional seat on the board of social services for a qualified citizen of each city to which the county is contractually obligated to provide social services. (20103041D)

HB 1213 (Heretick) (HCT) permits localities to appoint and train local government employees to enforce local ordinances by issuing summonses for violations of ordinances that are within the purview of the employee's employment. (20102237D)

Courts

SB 401 (Hashmi) (SJUD) allows for the award of reasonable attorney fees and costs to any person who has a subpoena against him quashed in an action for statements made at a public hearing before the governing body of a locality or other local entity when he is immune from liability for such statements. Current law provides for the award of attorney fees and costs upon the dismissal of such an action. (20100737D)

Specialty Dockets

SB 499 (Reeves) (SJUD) provides that any veterans docket authorized and established as a local specialty docket in accordance with the Rules of Supreme Court of Virginia shall be deemed a "Veterans Treatment Court Program," as that term is used under federal law or by any other entity, for the purposes of applying for, qualifying for, or receiving any federal grants, other federal money, or money from any other entity designated to assist or fund such state programs. The bill contains an emergency clause. (20103355D)

SB 618 (Deeds) (SJUD) provides that any court may refer a defendant to a local specialty docket if such specialty docket exists within that jurisdiction. The bill provides that a court that has received a referral shall have jurisdiction over the defendant for any matter that does not dispose of a charge or defense for the duration of the referral and shall enter an order making a

recommendation for disposing the matter, including any proposed findings of fact, at the end of the referral or any other time as necessary. (20104266D)

SB 819 (Morrissey) (SJUD) provides that any jurisdiction or jurisdictions intending or proposing to establish a drug treatment court shall not be denied permission under the Code of Virginia to establish such court solely on the basis of funding such court. The bill also provides that a drug treatment court shall be available to every defendant irrespective of the jurisdiction. (20103860D)

Early Childhood Care

SB 599 (Hanger) (SRUL) requires the Superintendent of Public Instruction and the Commissioner of Social Services to (i) convene a stakeholder group to consider the development of a statewide unified public-private system for early childhood care and education in the Commonwealth and (ii) collaborate to develop a uniform quality rating and improvement system with required participation by publicly funded early childhood care and education programs and voluntary participation by privately funded providers. (20104233D)

Elections

HB 108 (Lindsey) (HRUL) designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday. (20101370D)

SB 131 (Chase) (SPE) provides that any candidate for a constitutional office who has been nominated by a political party or in a primary election shall be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices nominated by a political party or in a primary election are so identified. (20102423D)

Health and Human Services

SB 128 (Suetterlein) (SRUL) requires the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. The bill requires the Department of Education to make a report to the Governor, the Senate Committees on Education and Health and Finance, and the House

Committees on Education and Appropriations on the findings of each pilot program after two and four years. (20100802D)

SB 716 (McClellan) (SRUL) requires the Secretary of Public Safety and Homeland Security to create and implement policies that recognize and make accommodations for people encountering the criminal justice system with developmental disabilities. The bill also requires the Office of the Executive Secretary to create and implement policies that recognize and make accommodations for people with developmental disabilities, for use by judges in determining case outcomes. (20104287D)

SB 734 (Deeds) (SRUL) directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group to report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. (20104744D)

Land Use

HB 1191 (Heretick) (HCCT)/**SB 360** (Cosgrove) (SLG) provides that a locality may require a subdivider or developer to install reasonable and necessary sewerage and water facilities located on or outside the property limits of the land owned or controlled by the subdivider or developer that is necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. Such subdivider or developer is entitled to reimbursement of its costs by any subsequent subdivider or developer that utilizes the installed sewerage or water facility, except for those costs associated with the installing developer's pro rata share. (20105020D, 20102768D)

SB 314 (Stanley) (SLG) removes the requirement that in order for a wall build on residential property to be grandfathered as a valid nonconforming use, the residential property owner must have been informed by a local official that such wall required no permit. (20103346D)

Taxation

HB 1268 (Helmer) (HPE)/**SB 446** (Reeves) (SPE) provides for a referendum at the November 3, 2020, election to approve or reject a personal property tax exemption for a motor vehicle that is owned and used primarily by or for a veteran of the armed forces of the United States or the Virginia National Guard who has a one hundred percent service-connected, permanent, and total disability. (20102109D, 20101760D)

SJ 33 (Reeves) (SPE) provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from state and local taxes. The amendment provides that only automobiles and pickup trucks qualify for the exemption. Additionally, the exemption is only applicable on the date the motor vehicle is acquired or the

effective date of the amendment, whichever is later, and is not applicable for any period of time prior to the effective date of the amendment. (20101742D)

Transportation

HB 497 (Marshall) (HTRAN) exempts trucks weighing less than 26,000 pounds from the additional truck registration fee. The bill also exempts trucks, regardless of weight, that are driven less than 25,000 miles per year. (20100907D)

HB 561 (Brewer) (HTRAN) adds primary evacuation routes to the factors that must be considered by the Commonwealth Transportation Board in the statewide prioritization process, commonly known as SMART SCALE. (20103235D)

HB 768 (LaRock) (HFIN) authorizes counties and cities in Planning District 3, 4, 5, 6, or 7 to impose an additional real estate tax on commercial and industrial property at a rate of up to \$0.10 per \$100 of assessed value. Any revenue raised from such tax would be required to be used to pay for transportation costs. Under current law, only localities within the Northern Virginia Transportation Authority or the Hampton Roads metropolitan planning area are authorized to impose such tax. The bill contains technical amendments. (20102654D)

HB 1635 (Lopez) (HTRAN)/**SB 995** (Surovell) (STRAN) repeals enactments adopted in 2018 as part of the Washington Metropolitan Area Transit Authority (WMATA) funding bills related to bidders, offers, contractors, and subcontractors to WMATA projects located in the Commonwealth participating with labor organizations. (20105970D, 20105402D)

HB 1702 (Tran) (HTRAN) requires the Virginia Department of Transportation to assess the speed limit of any road in Planning District 8 that has a speed limit of 55 miles per hour and has an intersection within 1,000 feet of any public elementary or secondary school and within 2,000 feet of a road curvature. (20105455D)

HB 1729 (LaRock) (HTRAN) adds two non-legislative citizen members who reside in suburban areas and are designated as suburban at-large members to the Commonwealth Transportation Board. Current law provides for two urban at-large members and two rural at-large members. (20104313D)

SB 452 (Edwards) (SFIN) imposes an additional 2.1 percent wholesale gas tax to any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The revenues will be returned to the transportation district in which the revenues are generated via the construction district grant program. (20102450D)

SB 596 (Hanger) (SFIN) imposes an additional 2.1 percent wholesale gas tax to any county or city outside of the Northern Virginia or Hampton Roads regions or the Interstate 81 Corridor, where such a tax is already imposed. The revenues will be returned to the transportation district in which the revenues are generated via the construction district grant program. The bill also

requires the Secretary of Transportation to develop a plan to ensure a fair, equitable, and sustainable mode of highway-use taxation. (20103287D)

SB 692 (Obenshain) (SFIN) limits the application of the additional motor vehicle fuels sales tax imposed under current law in all counties and cities in Planning Districts 3, 4, 5, 6, and 7 to those counties or cities in Planning District 3, 4, 5, 6, or 7 in which a portion of Interstate 81 is located. (20100662D)

SB 1010 (McDougle) (STRAN) directs the Commonwealth Transportation Board to allocate \$80 million in funding to the Robert O. Norris Bridge and Statewide Special Structure Fund in fiscal year 2021. (20104797D)

Legislation Provided for Information

HB 394 (Ward) (HGL) establishes the position of Director of Diversity, Equity, and Inclusion (the Director), to be appointed by the Governor. The Director is empowered to (i) develop a sustainable framework to promote inclusive practices across state government; (ii) implement a measurable, strategic plan to address systemic inequities in state government practices; and (iii) facilitate methods to turn feedback and suggestions from state employees, external stakeholders, and community leaders into concrete equity policy. (20102312D)

HB 850 (Runion) (HGL) requires the Virginia Economic Development Partnership Authority to develop a scoring system to identify high-impact projects to use in the awarding of funds pursuant to the Virginia Jobs Investment Program. The bill also requires companies that receive workforce retraining funding to submit data to the Authority regarding credentials and wage increases received by trained employees. (20103464D)

SB 292 (Deeds) (Senate Floor) authorizes a member of a board of zoning appeals to be appointed to also serve as an officer of election. (20101853D)

SB 335 (Stuart) (SACNR) requires the Board of Game and Inland Fisheries to waive fees to obtain a hunting or fishing license for active duty military personnel and veterans. (20100145D)

Campaign Finance

SB 57 (Suetterlein) (Reported from SPE) requires candidates for local and constitutional offices to file campaign finance reports by computer or electronic means. Under current law, only candidates for local and constitutional offices in localities with a population exceeding 70,000 are required to file campaign finance reports electronically. (20100810D)

SB 166 (Saslaw) (SPE) amends the current laws regarding the disbursement of surplus funds at the dissolution of a campaign or political committee so that such restrictions would apply throughout the life of a campaign or political committee. Such restrictions include the prohibition against the conversion of any money, securities, or like intangible personal property that has

been contributed to a campaign or political committee to the personal use of any person. (20100595D)

SB 217 (Suetterlein) (Reported from SPE) requires any single contribution of \$1,000 or more that is knowingly received or reported by a candidate for statewide office or the General Assembly during the period beginning January 1 and ending on the day immediately before the first day of a regular session of the General Assembly to be reported to and received by the State Board of Elections by the end of the following day. The bill requires these contributions to also be reported on the first regular report following the date of the contribution. (20101820D)

SB 883 (Locke) (Reported from SGL) establishes the Virginia Council on Environmental Justice, consisting of 24 members, to advise the Governor and provide recommendations intended to protect vulnerable communities from disproportionate impacts of pollution and provide such communities meaningful involvement in the decision-making process. The bill provides that 18 members of the Council are appointed by the Governor and six are specified Cabinet Secretaries. The bill has an expiration date of July 1, 2023. (20106392D-S1)

Education/Schools

SB 80 (Marsden) (SEH) declares that, except in certain limited circumstances, a student journalist at a public middle school or high school or public institution of higher education has the right to exercise freedom of speech and the press in school-sponsored media, including determining the news, opinion, feature, and advertising content of school-sponsored media, regardless of whether the media is supported financially by the school board or governing board, supported through the use of school or campus facilities, or produced in conjunction with a class or course in which the student is enrolled. The bill defines "school-sponsored media" as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public middle school or high school or public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body. (20101479D)

Elections

SB 126 (Suetterlein) (SPE) removes the power of incumbent officeholders in some cases to insist on a primary as the method of nominating political party candidates and removes the power of General Assembly incumbents seeking reelection to determine the method of nomination. These provisions of law were held to be unconstitutional by the United States Court of Appeals for the Fourth Circuit in *6th Cong. Dist. Republican Comm. v. Alcorn*, 913 F.3d 393 (January 9, 2019). The bill does not affect the current power of duly constituted authorities of the political party to determine the method of nominating party candidates. (20101816D)

SB 469 (Reeves) (SPE) provides that the name of any person who does not file his written statement of qualification or statement of economic interests by the relevant deadline, or by the end of an extension period if an extension of the deadline has been granted by the State Board, shall not be printed on the primary election ballot. (20102330D)

Firearms

SB 207 (Petersen) (SJUD) removes the requirement that a sworn law-enforcement officer be employed in a full-time capacity at the time of his retirement to purchase his service handgun. (20101711D)

Health and Human Services

HB 586 (Guzman) (HHWI) directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, and other PFAS for inclusion in regulations of the Board of Health applicable to waterworks. (20104407D)

HB 687 (Aird) (HHWI) directs the Department of Health to adopt regulations governing the certification and practice of doulas and to develop and make available on its website a registry of certified doulas. (20102733D)

HB 728 (Hope) (HHWI) directs the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group to report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020. (20103288D)

HB 737 (Watts) (HHWI) requires regulations establishing the staffing and care standards in nursing homes to require a minimum number of hours of direct care services to each resident per 24-hour period, which minimum increases in specified phases from 3.5 hours to 4.1 hours. (20102533D)

HB 826 (Carroll Foy) (HHWI) directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for the payment of medical assistance for antepartum, intrapartum, and postpartum services provided to a pregnant person by a perinatal birth worker who has education and training in the provision of culturally sensitive care, including services for labor and delivery support and at least four visits during the antenatal period and at least seven visits during the postpartum period. The bill also directs the Department of Medical Assistance Services to conduct a rate study to determine appropriate reimbursement rates for services provided to Medicaid recipients by perinatal birth workers, including doulas and community health workers, and to report its findings to the Governor and the General Assembly by December 1, 2020. (20104932D)

HB 883 (Subramanyam) (HHWI) directs the Department of Criminal Justice Services to evaluate the costs and benefits of implementing a deflection to treatment program for individuals with substance use disorder or mental illness generally, and the Five Deflection Pathways in

accordance with the Police, Treatment and Community Collaborative specifically, and to report its findings and recommendations to the Governor and the General Assembly by December 1, 2020. (20104910D)

HB 887 (Filler-Corn) (HHWI) provides that the beneficiary of an ABLE savings trust account may appoint a survivor. In the event of the beneficiary's death, the survivor becomes the new beneficiary of the account if he is eligible under federal law to be a beneficiary of an ABLE savings trust account. The bill provides that if the survivor is ineligible, then any proceeds remaining in the account are distributed to the survivor and the account is closed. Under current law, if the beneficiary of an ABLE savings trust account dies, his state of residence becomes a creditor of the account and may seek payment under federal law for Medicaid benefits provided to the beneficiary while he was alive. The bill prohibits the Commonwealth from seeking estate recovery or payment from the proceeds of the deceased beneficiary's account for benefits provided to him. (20102066D)

HB 1387 (Leftwich) (HHWI) adds to the list of medical care facilities for which a certificate of public need is required any facility that has common ownership with an affiliated licensed hospital located within 35 miles of the facility and that includes, as part of the facility, a dedicated emergency department as defined in 42 C.F.R. § 489.24(b) that is subject to the requirements of the federal Emergency Medical Treatment and Active Labor Act. (20104028D)

HB 1719 (McQuinn) (HRUL) directs the Commissioner of Health to establish a work group to develop a plan for the licensure of prescribed pediatric extended care centers in the Commonwealth. The work group shall report the plan to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2020. (20105454D)

HB 1722 (Roem) (HED) requires the Department of Education to develop and publish no later than November 16, 2020, guidance and resources relating to the provision of applied behavior analysis services in public schools for students who are in need of such services. (20105382D)

SB 61 (Marsden) (SJUD) provides that the use of cannabidiol oil or THC-A oil by a parent in a custody or visitation case shall not serve as the sole basis for the denial or restriction of custody or visitation, if such parent has a written certification by a practitioner attesting to the benefit of such use. The bill further provides that such use by a foster parent shall not be the sole reason a child is removed from a foster parent and that such use by a prospective foster parent shall not be the sole reason to deny such prospective foster parent eligibility to become a foster parent. The bill also provides that such use by a petitioner for adoption shall not be the sole reason for the denial of a final order of adoption by a circuit court. (20100579D)

SB 1031 (Barker) (SCL) eliminates the exemption from the requirements to provide coverage for the diagnosis and treatment of autism spectrum disorder for insurers, corporations, and organizations issuing policies, contracts, and plans in the individual and small group markets. Under current law, only policies, contracts, and plans issued in the large group market are required to provide such coverage. (20102988D)

SB 1034 (Chafin) (SRUL) directs the Department of Education to review and revise the Guidelines for Conducting Functional Behavioral Assessment and Developing Positive Behavior Intervention Supports and Strategies to align with research-based behavior science and best practices for functional behavior analysis. The bill also requires the Department to review and revise the content of the in-depth training provided to local school divisions on conducting functional behavioral analysis and developing quality behavior intervention plans. (20104702D)

Taxation

HB 736 (Watts) (HFIN) reinstates the estate tax for persons dying on and after July 1, 2020. No estate tax shall be imposed on a gross estate if the majority of the assets of the estate are an interest in a closely held business or a working farm. The bill designates revenues from the estate tax to be used for health care purposes. (20104337D)

Transportation

HB 465 (Keam) (HTRAN) extends from January 1, 2020, to October 1, 2020, the prohibition on offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire in any locality that has not enacted any licensing ordinance, regulation, or other action regulating such business. The bill clarifies that localities are authorized to create or amend such ordinances, regulations, or actions even after any such business is operating in the locality and exercise authority otherwise authorized by law. The bill contains an emergency clause. (20103293D)

HB 511 (Bulova) (HTRAN) authorizes any agency of state government to locate and operate a retail fee-based electric vehicle charging station on property the agency controls. The bill exempts state agencies from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. Currently state-operated charging stations may be operated by the Department of Conservation and Recreation, Department of General Services, Department of Motor Vehicles, Department of Transportation, and public institutions of higher education. (20100946D)

HB 772 (LaRock) (HTRAN) transfers enforcement and oversight authority of the Virginia Highway Corporation Act of 1988 from the State Corporation Commission to the Department of Transportation. (20101613D)

HB 1243 (Heretick) (HTRAN) requires a private entity requesting approval to develop and operate a qualifying transportation facility under the Public-Private Transportation Act of 1995 or a qualifying project under the Public-Private Education Facilities and Infrastructure Act of 2002 to include an economic impact analysis identifying any potentially adverse economic or revenue impacts a potential comprehensive agreement may have on all affected local jurisdictions. The bill further provides that affected local jurisdictions be given reasonable opportunity to consult with the parties concerning the nature and scope of the impacts and regarding measures that may be taken to avoid or mitigate the impacts or make the agreement

revenue-neutral. The bill directs each responsible public entity to certify compliance with the review of the economic impact analysis provisions. (20105276D)

HB 1560 (Brewer) (HTRAN) directs the Virginia Department of Transportation (the Department), in consultation with the Department of Emergency Management, to develop, maintain, and make publicly available a map of primary evacuation routes in the Commonwealth. The bill requires the Department to review the transportation infrastructure along such routes and submit a report with such findings and any recommended improvements to the General Assembly at least once every five years. (20104515D)

SB 468 (Reeves) (STRAN) provides that the designation of a highway lane as an HOV lane shall not apply to the use of such lane by autocycles. (20102327D)

SB 623 (Deeds) (STRAN) authorizes the Department of State Police and local law-enforcement agencies to operate handheld photo speed monitoring devices, defined in the bill, in or around highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone when (i) workers are present, (ii) such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such handheld photo speed monitoring device, and (iii) a law-enforcement vehicle is present and displaying blue lights. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit by the handheld photo speed monitoring device, but that the violation shall not be reported on the driver's operating record or to the driver's insurance agency. (20103306D)

SB 1021 (Cosgrove) (STRAN) declares that the Kings Highway Bridge, located in the City of Suffolk, is eligible for state of good repair funds. The bill also directs the Commonwealth Transportation Board, the City of Suffolk, and members of the House of Delegates and Senate of Virginia representing the City of Suffolk to work together to identify potential funding sources for the replacement of the bridge. (20105379D)

Reckless Driving

HB 885 (Sickles) (HTRAN) raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour if the applicable speed limit is in excess of 65 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. (20102149D)

Board of Supervisors

January 28, 2020

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Attachments: Supplementary documents

cc: Joe Mondoro, Chief Financial Officer
Tisha Deeghan, Deputy County Executive
Rachel O'Dwyer Flynn, Deputy County Executive
Dave Rohrer, Deputy County Executive
Elizabeth Teare, County Attorney
Jill G. Cooper, Clerk to the Board
Richmond Team
Tom Biesiadny, Director, Department of Transportation

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January 28, 2020

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**FAIRFAX COUNTY
LEGISLATIVE SUMMARY**

2020 GENERAL ASSEMBLY

January 25, 2020

Fairfax County Legislative Summary 2020 General Assembly

Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	Committee/Floor Actions	Bold = Date Position taken by full Board of Supervisors [] = Date position taken by BOS Legislative Committee <i>Italics</i> = <i>Date position recommended by staff</i>
HB 589 - Watts (39) Blue Star Memorial Highway; designating as portion of Old Keene Mill Road in Fairfax County.	1/10/2006 House: Referred to Committee on Transportation	12/5/2005
Initiate (067916260) Summary: Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."		

Bold = Board Position, **[]** = BOS Legislative Committee Position, *Italics=Staff Recommended Position Changes* (LD No. is version of bill on which position was taken)
Summary -- Reflects latest version of summary available on the Legislative Information System Web Site (If not noted otherwise, reflects summary as introduced)

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HB 1510 McQuinn, D	Weapons; carrying into building owned or used by the Commonwealth or political subdivision thereof.
HB 1511 McQuinn, D	Towing fees; raises to \$30 additional fee that can be charged for towing a vehicle at night, etc.
HB 1586 Watts, V	Washington Metropolitan Area Transit Authority; allocation of funds.
SB 31 Petersen, J	Eminent domain; costs for petition for distribution of funds, interest rate.
SB 67 McClellan, J	Firearms; reporting those lost or stolen, civil penalty.
SB 310 Stanley, Jr., W	Public animal shelters; notice to euthanize.
SB 617 Deeds, R	Absentee voting; voter satellite offices for absentee voting in person.
SB 687 Vogel, J	Bicycles; signage and road markings.
SB 826 McDougle, R	Water and sewer service charges; tenant or lessee.
SB 870 Marsden, D	Solar photovoltaic projects; conditional zoning.
SB 916 Marsden, D	Towing fees; raises to \$30 additional fee that can be charged for towing a vehicle at night, etc.

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***Legislation No Longer Under Consideration
(Killed, Failed to Report, Tabled,
Incorporated into Other
Legislation, etc.):***

[SB 117](#) Family day homes; licensure threshold.
Favola, B

[SB 644](#) Traffic incident management vehicles; exempt from
Boysko, J certain regulations.

Fairfax County Initiatives

Bills Introduced at Fairfax County's Request

Bills	General Assembly Actions	Date of BOS Position
<u>SB 651</u> - Boysko (33) Fairfax County; policemen's pension and retirement board.	1/7/2020 Senate: Referred to Committee on Finance and Appropriations	[1/17/2020]
<p>[Initiate] (20104013D)</p> <p>Summary: Increases from seven to eight the number of members on the policemen's pension and retirement board created in a county that has adopted the urban county executive form of government (Fairfax County) and increases from two to three the number of members of such board who shall be members of such retirement system and employed by the county police department as sworn police officers and who have been elected by the members of the retirement system who are employed by the police department as sworn police officers.</p>		
<u>SB 652</u> - Boysko (33) Fairfax County; policemen's retirement system.	1/7/2020 Senate: Referred to Committee on Finance and Appropriations	[1/17/2020]
<p>[Initiate] (20104020D)</p> <p>Summary: Authorizes any person who has been a member of another county retirement system and who withdraws therefrom and becomes a member of the policemen's retirement system established by a county that has adopted the urban county executive form of government (Fairfax County) to purchase membership service credit for service rendered while a member of such other county retirement system by paying into the policemen's retirement system all contributions that would have been due from the person had the person been a member of the policemen's retirement system for each of the years for which membership service credit is sought. The bill contains technical amendments.</p>		
<u>SB 868</u> - Ebbin (30) Public accommodations, etc.: causes of action, sexual orientation and gender identity.	1/8/2020 Senate: Referred to Committee on General Laws and Technology	[1/17/2020]
<p>[Initiate] (20104737D)</p> <p>Summary: Prohibited discrimination; public accommodations, employment, credit, and housing: causes of action; sexual orientation and gender identity. Creates explicit causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. The bill prohibits discrimination in public and private employment and credit on the basis of sexual orientation or gender identity. 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. Additionally, the bill prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran and adds discrimination on the basis of an individual's sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, marital status, or status as a veteran as an unlawful housing practice. The bill makes technical amendments.</p>		

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Fairfax County Positions

(Oppose or Amend)

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Bills	General Assembly Actions	Date of BOS Position
HB 151 - Samirah (86) Accessory dwelling units; development and use.	12/18/2019 House: Referred to Committee on Counties, Cities and Towns 1/23/2020 House: Subcommittee recommends laying on the table (6-Y 1-N)	[1/17/2020]
<p>[Oppose] (20104473D)</p> <p>Summary: Development and use of accessory dwelling units. Provides that all localities shall allow for the development and use of one accessory dwelling unit (ADU) per single-family dwelling (SFD), notwithstanding any contrary provision of a zoning ordinance. The bill defines "accessory dwelling unit" or "ADU" as an independent dwelling unit on a single-family lot with its own living, bathroom, and kitchen space that may be within or attached to SFDs or in detached structures on lots containing SFDs. ADUs may include basements, attics, flats, guest houses, cottages, and converted structures such as garages and sheds. The bill requires localities to regulate the size and design of ADUs through an approval process, as well as regulate fees, parking, and other requirements, provided that the regulations (i) are not so arbitrary, excessive, or burdensome, individually or cumulatively, as to unreasonably restrict the ability of property owners to utilize or create ADUs and (ii) do not require the property owner to occupy the ADU or SFD as his primary residence.</p>		
HB 152 - Samirah (86) Single-family residential use; middle housing allowed on lots zoned for units.	12/18/2019 House: Referred to Committee on Counties, Cities and Towns 1/23/2020 House: Subcommittee recommends laying on the table (6-Y 0-N)	[1/17/2020]
<p>[Oppose] (20104474D)</p> <p>Summary: Middle housing allowed on lots zoned for single-family use. Requires all localities to allow development or redevelopment of "middle housing" residential units upon each lot zoned for single-family residential use. Middle housing is defined as two-family residential units, including duplexes, townhouses, cottages, and any similar structure. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized residential uses. Localities may regulate the siting, design, and environmental standards of middle housing residential units, including setback requirements, provided that the regulations do not, individually or cumulatively, discourage the development of all two-family housing types permitted through unreasonable costs or delay.</p>		
HB 302 - McNamara (8) Litter tax; repeals annual tax.	12/31/2019 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/15/2020 House: Referred from Agriculture, Chesapeake and Natural Resources by voice vote 1/15/2020 House: Referred to Committee on Finance	[1/24/2020]
<p>[Oppose] (20101216D)</p> <p>Summary: Litter tax. Repeals the annual litter tax. The bill does not affect any litter tax levied prior to July 1, 2020.</p>		
HB 364 – Cole, M. (88) Statewide prioritization process; project selection.	1/2/2020 House: Referred to Committee on Transportation	[1/17/2020]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (20103873D) - See also HB 620 (Cole, J.).</p> <p>Summary: Requires the Commonwealth Transportation Board, when evaluating projects under the statewide prioritization process known as SMART SCALE, to evaluate (i) congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays, and (ii) accessibility on the basis of the area of influence of a project for a radius of 55 miles.</p>		
<p>HB 508 - Willett (73)</p> <p>Animal care; cruelty, dangerous dogs.</p>	<p>1/4/2020 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources</p>	<p>[1/24/2020]</p>
<p>[Oppose] (20103962D)</p> <p>Summary: Animal care; cruelty; dangerous dogs. 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.</p>		
<p>HB 619 – Cole, J. (28)</p> <p>Commonwealth Mass Transit Fund; allocation to Fredericksburg Regional Transit.</p>	<p>1/6/2020 House: Referred to Committee on Transportation</p>	<p>[1/17/2020]</p>
<p>[Oppose] (20101564D)</p> <p>Summary: Requires that a minimum of \$1 million annually be allocated to Fredericksburg Regional Transit from the Commonwealth Mass Transit Fund. The funding is contingent on localities served by Fredericksburg Regional Transit continuing to support Fredericksburg Regional Transit by at least the amount of funding provided in the fiscal year beginning July 1, 2019.</p>		
<p>HB 620 – Cole, J. (28)</p> <p>Statewide prioritization process; project selection.</p>	<p>1/6/2020 House: Referred to Committee on Transportation</p> <p>1/23/2020 House: Subcommittee recommends incorporating (HB 364-Cole, M.) by voice vote</p>	<p>[1/17/2020]</p>
<p>[Oppose] (20103914D) - See also HB 364 (Cole, M.).</p> <p>Summary: Requires the Commonwealth Transportation Board, when evaluating projects under the statewide prioritization process known as SMART SCALE, to evaluate (i) congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays, and (ii) accessibility on the basis of the area of influence of a project for a radius of 55 miles.</p>		
<p>HB 636 - LaRock (33)</p> <p>Town residents; provision of county services.</p>	<p>1/6/2020 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/17/2020]</p>
<p>[Oppose] (20100847D)</p> <p>Summary: Provision of county services to town residents. Requires a county to provide the same and equal</p>		

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Bills	General Assembly Actions	Date of BOS Position
services to residents of incorporated towns within the county as are provided to other residents of the county. However, if the local governing body of a town adopts a resolution that provides that the town shall provide a specific service and sends a copy of the resolution to the local governing body of the county, a county shall not be required to provide that service to town residents.		
<u>HB 657</u> - Heretick (79) Comprehensive plan; solar facilities review.	1/6/2020 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/15/2020 House: Referred from Agriculture, Chesapeake and Natural Resources by voice vote 1/15/2020 House: Referred to Committee on Labor and Commerce	[1/17/2020]
[Oppose] (20102662D) - See also SB 893 (Marsden). Summary: Exempts a solar facility that is 150 megawatts or less from the requirement that it be reviewed for substantial accord with a locality's comprehensive plan.		
<u>HB 662</u> - Mullin (93) Local grievance procedure; incorporates certain provisions.	1/6/2020 House: Referred to Committee on Counties, Cities and Towns	[1/24/2020]
[Oppose] (20101301D) Summary: Local grievance procedure. Incorporates into the local grievance procedure certain provisions in the state grievance procedure related to appeal of final decisions to the circuit court.		
<u>HB 677</u> - LaRock (33) Interstate 66; reverse tolling, toll revenue on Interstate 66 and Interstate 395.	1/6/2020 House: Referred to Committee on Transportation 1/23/2020 House: Subcommittee recommends passing by indefinitely (10-Y 0-N)	[1/17/2020]
[Oppose] (20102275D) Summary: Reverse tolling on Interstate 66; toll revenue on Interstate 66 and Interstate 395. Requires the Department of Transportation, upon completion of the Interstate 66 widening project, to activate reverse tolling on Interstate 66. The bill requires all such tolls and all toll revenue collected on Interstate 66 inside the beltway and the high-occupancy toll lanes on Interstate 395 to be directed to the Northern Virginia Transportation Authority.		
<u>HB 679</u> - LaRock (33) Real and personal property tax exemptions; repeals exemptions.	1/6/2020 House: Referred to Committee on Finance	[1/24/2020]
[Oppose] (20102616D) Summary: Real and personal property tax exemptions. 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.		

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Bills	General Assembly Actions	Date of BOS Position
HB 869 - Bourne (71) Public defender; supplementing compensation.	1/7/2020 House: Referred to Committee for Courts of Justice	[1/24/2020]
<p>[Oppose] (20100539D) - Funding court personnel is a critical state responsibility.</p> <p>Summary: Supplementing compensation of public defender. 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.</p>		
HB 948 - Webert (18) License taxes; prohibition on rate increases, prohibition on new taxes.	1/7/2020 House: Referred to Committee on Finance 1/20/2020 House: Subcommittee recommends laying on the table (8-Y 0-N)	[1/17/2020]
<p>[Oppose] (20104260D)</p> <p>Summary: License taxes; prohibition on rate increases; prohibition on new taxes. Provides that any locality that levies license taxes shall be prohibited from increasing the rate of those taxes above the rate imposed as of January 1, 2020. The bill also prohibits any locality that does not levy license taxes from levying such a tax in the future.</p>		
HB 1147 - Keam (35) Epinephrine; required in certain public places.	1/7/2020 House: Referred to Committee for Courts of Justice 1/22/2020 House: Referred from Courts of Justice by voice vote 1/22/2020 House: Referred to Committee on Health, Welfare and Institutions	[1/24/2020]
<p>[Oppose] (20103677D)</p> <p>Summary: Epinephrine required in certain public places. 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.</p>		
HB 1170 - Poindexter (9) Regional electric utility programs; participation by Commonwealth.	1/7/2020 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/24/2020]
<p>[Oppose] (20103356D)</p> <p>Summary: Regional electric utility or transportation sector emissions programs; participation by Commonwealth. 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.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 1174 - Lopez (49) Public schools; possession of undesignated stock albuterol inhalers, administration.	1/7/2020 House: Referred to Committee on Education	[1/17/2020]
<p>[Oppose] (20103635D)</p> <p>Summary: Public schools; possession of undesignated stock albuterol inhalers; administration by certain individuals. Requires each local school board to adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers in every school in the local school division, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of albuterol inhalers for any student believed in good faith to be in need of such medication. The bill limits the liability of (i) any such individual who provides, administers, or assists in the administration of an albuterol inhaler for a student believed in good faith to be in need of such medication and (ii) the prescriber of such medication.</p>		
HB 1204 - Tran (42) Fall cankerworm; spraying prohibited except through opt-in program.	1/7/2020 House: Referred to Committee on Counties, Cities and Towns	[1/24/2020]
<p>[Oppose] (20103495D)</p> <p>Summary: 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.</p>		
HB 1214 - Simonds (94) Family day homes; licensure threshold.	1/7/2020 House: Referred to Committee on Education 1/15/2020 House: Referred from Education by voice vote 1/15/2020 House: Referred to Committee on Health, Welfare and Institutions	[1/17/2020]
<p>[Amend] (20102193D) - Amend to allow Fairfax County to maintain its current local permitting program. See also SB 117 (Favola).</p> <p>Summary: Reduces from five to three the number of children for whom a family day home must obtain a license to provide child care services.</p>		
HB 1293 - Helmer (40) Shirley Gate Road; extension in Fairfax County, funding.	1/8/2020 House: Referred to Committee on Transportation 1/23/2020 House: Subcommittee recommends reporting (6-Y 4-N) 1/23/2020 House: Subcommittee recommends referring to Committee on Appropriations	[1/17/2020]
<p>[Oppose] (20101490D)</p> <p>Summary: Extension of Shirley Gate Road; funding. Prohibits the use of state funds for the extension of Shirley Gate Road in Fairfax County until the intersection at Popes Head Road and Fairfax County Parkway has been redesigned and the traffic light removed.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 1308 - Walker (23) Stormwater management; grandfathered land-disturbing activities.	1/8/2020 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/24/2020]
[Oppose] (20104024D) - Board has historically opposed. Summary: 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.		
HB 1351 - Watts (39) Temporary detention; expands category of individuals who may evaluate a person.	1/8/2020 House: Referred to Committee on Health, Welfare and Institutions	[1/24/2020]
[Oppose] (20103049D) Summary: Temporary detention; evaluation; who may perform. 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.		
HB 1389 - LaRock (33) Transportation funds; use of funds for projects.	1/8/2020 House: Referred to Committee on Transportation	[1/17/2020]
[Oppose] (20104309D) Summary: Use of transportation funds in the Commonwealth. Requires affirmative authorization by the General Assembly in an appropriation act for any funds in the Commonwealth, including local and regional funds and toll revenues, to be used for a transportation project physically located outside of the Commonwealth.		
HB 1391 - Leftwich (78) Deeds of trust; fiduciary duties.	1/8/2020 House: Referred to Committee for Courts of Justice	[1/17/2020]
[Oppose] (20102582D) - See also SB 253 (Chafin). Summary: Specifies that a trustee under a deed of trust has only the duties, rights, and obligations imposed and conferred on it by the deed of trust or by statute. This bill is in response to Crosby v. ALG Trustee, LLC, 296 Va. 561 (2018).		
HB 1699 - Aird (63) Temporary detention; DBHDS to study who may evaluate.	1/17/2020 House: Referred to Committee on Rules	[1/17/2020]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Amend] (20106028D) - Amend to include input from local CSB practitioners and analysis of processes used in other states. See also SB 768 (Barker).</p> <p>Summary: DBHDS; work group to study expanding the category of individuals who may conduct evaluations for temporary detention; report.</p>		
<p>HJ 57 - Subramanyam (87) Route 50; Department of Transportation to study traffic congestion.</p>	1/6/2020 House: Referred to Committee on Rules	[1/24/2020]
<p>[Amend] (20103600D) - Amend to provide local input and include transit in study.</p> <p>Summary: Study; Department of Transportation; U.S. Route 50; report. 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.</p>		
<p>SB 151 - Stuart (28) School personnel; staffing ratios, school nurses.</p>	12/18/2019 Senate: Referred to Committee on Education and Health	[1/17/2020]
<p>[Oppose] (20101419D) - Potential fiscal impact to Fairfax County is \$16.3 million to achieve the goal of one full-time equivalent nurse in every school, and \$22.6 million to achieve the goal of one full-time equivalent nurse per 550 students, based on the current staffing model.</p> <p>Summary: School personnel; staffing ratios; school nurses. Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12.</p>		
<p>SB 253 - Chafin (38) Deeds of trust; fiduciary duties.</p>	1/2/2020 Senate: Referred to Committee on the Judiciary	[1/17/2020]
<p>[Oppose] (20102906D) - See also HB 1391 (Leftwich).</p> <p>Summary: Specifies that a trustee under a deed of trust has only the duties, rights, and obligations imposed and conferred on it by the deed of trust or by statute. This bill is in response to Crosby v. ALG Trustee, LLC, 296 Va. 561 (2018).</p>		
<p>SB 485 - DeSteph (8) Eminent domain; remnants and remainders.</p>	1/7/2020 Senate: Referred to Committee on the Judiciary	[1/17/2020]
<p>[Oppose] (20104245D)</p> <p>Summary: Repeals the provision of the Code of Virginia declaring that the acquisition of residual parcels when acquiring land for highway rights-of-way is in the public interest and is a public use. The bill provides a property owner with the ability to decide whether acquisition would create an uneconomic remnant or whether the damage to the remainder of a piece of acquired property would equal or exceed the fair market value of the remaining land.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 589 - Hanger, Jr. (24) Zoning administrators; notice of decisions and determinations.	1/7/2020 Senate: Referred to Committee on Local Government	[1/17/2020]
[Oppose] (20100255D) Summary: Requires zoning administrators to provide notice of all decisions and determinations to the agents or occupants of property abutting or across the road from the affected property.		
SB 638 - Surovell (36) Affordable housing; location near Metrorail station.	1/7/2020 Senate: Referred to Committee on Local Government	[1/17/2020]
[Oppose] (20101041D) Summary: Affordable housing near Metrorail station. Provides that in any locality with an existing or planned Metrorail station, such locality shall require that at least 10 percent of new residential dwelling units in any building that is at least six stories in height be affordable dwelling units, defined in the bill, if the proposed project is within one-half mile of an existing or planned Metrorail station.		
SB 768 - Barker (39) Temporary detention; DBHDS to study who may evaluate.	1/8/2020 Senate: Referred to Committee on Rules	[1/17/2020]
[Amend] (20103578D) - Amend to include input from local CSB practitioners and analysis of processes used in other states. See also HB 1699 (Aird). Summary: DBHDS; work group to study expanding the category of individuals who may conduct evaluations for temporary detention; report. Directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish a work group to (i) review the current process for conducting evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention, including any challenges or barriers to timely completion of such evaluations and factors giving rise to delays in completion of such evaluations, and (ii) develop a comprehensive plan to expand the categories of individuals who may conduct evaluations of persons who are subject to emergency custody orders to determine whether they meet the criteria for temporary detention in order to expedite the evaluation process. The work group shall report its findings and conclusions and the comprehensive plan to the Governor and the Chairmen of the House Committee on Health, Welfare, and Institutions, Senate Committee on Education and Health, and Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020.		
SB 893 - Marsden (37) Comprehensive plan; solar facilities review.	1/8/2020 Senate: Referred to Committee on Local Government	[1/17/2020]
[Oppose] (20102707D) - See also HB 657 (Heretick). Summary: Exempts a solar facility that is 150 megawatts or less from the requirement that it be reviewed for substantial accord with a locality's comprehensive plan.		

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Bills	General Assembly Actions	Date of BOS Position
SB 977 - Suetterlein (19) Local governing body meetings; public comment.	1/15/2020 Senate: Referred to Committee on Local Government 1/20/2020 Senate: Reported from Local Government (15-Y 0-N) 1/23/2020 Senate: Read third time and passed Senate (40-Y 0-N)	[1/24/2020]
[Oppose] (20105104D) Summary: 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.		

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Fairfax County Positions

(Support)

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Bills	General Assembly Actions	Date of BOS Position
HB 1 - Herring (46) Absentee voting; no excuse required.	11/18/2019 House: Referred to Committee on Privileges and Elections 1/21/2020 House: Subcommittee recommends reporting with substitute (4-Y 2-N) 1/24/2020 House: Reported from Privileges and Elections with substitute (14-Y 8-N)	[1/17/2020]
<p>[Support] (20101095D) - Collaborate with stakeholders to ensure bill can be successfully implemented. See also HB 25 (Lindsey) and HB 209 (Murphy).</p> <p>Summary: Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code.</p>		
HB 2 - Plum (36) Firearm transfers; criminal history record information checks, penalty.	11/18/2019 House: Referred to Committee on Public Safety 1/24/2020 House: Reported from Public Safety with substitute (13-Y 9-N)	[1/24/2020]
<p>[Support] (20101194D)</p> <p>Summary: Firearm transfers; criminal history record information checks; penalty. 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.</p>		
HB 3 - McQuinn (70) Va. Fair Housing Law; unlawful discriminatory housing practices, sexual orientation and gender, etc.	11/18/2019 House: Referred to Committee on General Laws 1/23/2020 House: Subcommittee recommends incorporating (HB 1663-Sickles) by voice vote	[1/17/2020]
<p>[Support] (20100744D) - Board has historically supported.</p> <p>Summary: Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual orientation and gender identity. Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity."</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 6 - Bourne (71) Virginia Fair Housing Law; unlawful discriminatory housing practices.	11/18/2019 House: Referred to Committee on General Laws	[1/17/2020]
<p>[Support] (20100177D) - Board has historically supported.</p> <p>Summary: Adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.</p>		
HB 16 - Krizek (44) Safety belt system; all occupants of motor vehicles to utilize.	11/19/2019 House: Referred to Committee on Transportation	[1/17/2020]
<p>[Support] (20100628D)</p> <p>Summary: Safety belt system use in motor vehicles. Requires all occupants of motor vehicles to utilize a safety belt system. Current law requires the use of safety belts only by (i) occupants under the age of 18, (ii) drivers, and (iii) passengers 18 years of age or older occupying the front seat. The bill changes a violation of safety belt system requirements by a person occupying a front seat from a secondary offense to a primary offense.</p>		
HB 17 - Foy (2) Driver's license; suspension for nonpayment of fines or costs.	11/19/2019 House: Referred to Committee for Courts of Justice	[1/24/2020]
<p>[Support] (20101115D) - Board has historically supported concept of alternatives to driver's license suspension to address non-payment of court fines and costs.</p> <p>Summary: Suspension of driver's license for nonpayment of fines or costs. 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.</p>		
HB 20 - Lindsey (90) Va. Alternative Energy & Coastal Protection Act; DEQ to implement final carbon trading regulation.	11/19/2019 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/22/2020 House: Referred from Agriculture, Chesapeake and Natural Resources by voice vote 1/22/2020 House: Referred to Committee on Labor and Commerce	[1/24/2020]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Support] (20100461D)</p> <p>Summary: Virginia Alternative Energy and Coastal Protection Act. 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.</p>		
<p>HB 22 - Lindsey (90) Virginia Shoreline Resiliency Fund; grant program.</p>	<p>11/19/2019 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources</p>	<p>[1/24/2020]</p>
<p>[Support] (20100479D) - See also HB 382 (Convirs-Fowler).</p> <p>Summary: 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.</p>		
<p>HB 25 - Lindsey (90) Absentee voting; no excuse required.</p>	<p>11/19/2019 House: Referred to Committee on Privileges and Elections 1/21/2020 House: Subcommittee recommends incorporating (HB 1-Herring) by voice vote 1/24/2020 House: Incorporated by Privileges and Elections (HB 1-Herring) by voice vote</p>	<p>[1/17/2020]</p>
<p>[Support] (20100509D) - Collaborate with stakeholders to ensure bill can be successfully implemented. See also HB 1 (Herring) and HB 209 (Murphy).</p> <p>Summary: Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 57</u> - Fowler, Jr. (55) Elections; date of June primary election.	12/2/2019 House: Referred to Committee on Privileges and Elections 1/22/2020 House: Subcommittee recommends reporting (5-Y 1-N) 1/24/2020 House: Reported from Privileges and Elections (19-Y 2-N)	[1/17/2020]
[Support] (20101716D) – Board has historically supported. See also SB 316 (Kiggans). Summary: Changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date.		
<u>HB 93</u> - Kory (38) Flavored tobacco products; sale or distribution prohibited, civil penalty.	12/11/2019 House: Referred to Committee on Finance	[1/17/2020]
[Support] (20100213D) - Support efforts to reduce smoking and vaping while ensuring cultural traditions can legally continue. Summary: Sale or distribution of flavored tobacco products prohibited; civil penalty. Prohibits the sale or distribution of flavored tobacco products, defined in the bill, and creates a civil penalty of \$1,000 for a first offense and \$5,000 for a second or subsequent offense.		
<u>HB 173</u> - Krizek (44) Waterfowl blinds; blinds in locality where certain hunting prohibited.	12/26/2019 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/20/2020 House: Subcommittee recommends reporting with substitute (5-Y 3-N) 1/22/2020 House: Reported from Agriculture, Chesapeake and Natural Resources with substitute (13-Y 9-N)	[1/17/2020]
[Support] (20100497D) Summary: Waterfowl blinds in locality where certain hunting prohibited. Directs the Department of Game and Inland Fisheries not to license any stationary waterfowl blind in any area in which a local governing body prohibits by ordinance the hunting of birds with a firearm.		
<u>HB 209</u> - Murphy (34) Absentee voting; no excuse required.	12/27/2019 House: Referred to Committee on Privileges and Elections 1/21/2020 House: Subcommittee recommends incorporating (HB 1-Herring) by voice vote 1/24/2020 House: Incorporated by Privileges and Elections (HB 1-Herring) by voice vote	[1/17/2020]
[Support] (20101232D) - Collaborate with stakeholders to ensure bill can be successfully implemented. See also HB 1 (Herring) and HB 25 (Lindsey). Summary: Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 217</u> - Convirs-Fowler (21) Va. Fair Housing Law; unlawful discriminatory housing practices, sexual orientation and gender, etc.	12/27/2019 House: Referred to Committee on General Laws 1/23/2020 House: Subcommittee recommends incorporating (HB 1663-Sickles) by voice vote	[1/17/2020]
[Support] (20101469D) - Board has historically supported. Summary: Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual orientation and gender identity. Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity."		
<u>HB 221</u> - Mugler (91) Tree conservation ordinance; Chesapeake Bay Preservation Act locality, designated trees.	12/27/2019 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/24/2020]
[Support] (20102313D) - See also SB 184 (Locke). Summary: Tree conservation ordinance; Chesapeake Bay Preservation Act locality; designated trees. 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.		
<u>HB 275</u> - Sullivan, Jr. (48) Judges; increases maximum number in judicial district.	12/30/2019 House: Referred to Committee for Courts of Justice 1/15/2020 House: Subcommittee recommends reporting (7-Y 1-N) 1/22/2020 House: Reported from Courts of Justice (20-Y 2-N)	[1/17/2020]
[Support] (20103853D) - Board has historically supported. See also SB 209 (Petersen). Summary: Maximum number of judges in each judicial district. Increases from 11 to 12 the maximum number of authorized general district court judgeships in the nineteenth judicial district. The Committee on District Courts recommended the additional judgeship in 2018.		
<u>HB 311</u> - Gooditis (10) Unmanned aerial systems; local regulation.	12/31/2019 House: Referred to Committee on Communications, Technology and Innovation 1/22/2020 House: Subcommittee recommends incorporating (HB 742-Bulova) by voice vote	[1/17/2020]
[Support] (20101775D) - Support concept of providing authority for political subdivisions to adopt restrictions regarding takeoff and landing of unmanned aerial systems on their property. Collaborate with stakeholders to ensure language of bill accomplishes this goal. See also HB 742 (Bulova). Summary: Local regulation of unmanned aerial systems. Authorizes a political subdivision to adopt time, place, or manner restrictions regarding the takeoff or landing of unmanned aerial systems on property owned by the political subdivision.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 357</u> - Lopez (49) Virginia Fair Housing Law; unlawful discriminatory housing practices.	1/1/2020 House: Referred to Committee on General Laws	[1/17/2020]
[Support] (20101644D) - Board has historically supported. Summary: Adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.		
<u>HB 358</u> - Lopez (49) Project labor agreements; public procurement.	1/1/2020 House: Referred to Committee on General Laws	[1/24/2020]
[Support] (20101674D) Summary: 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.		
<u>HB 378</u> - Rasoul (11) Comprehensive harm reduction programs; public health emergency, repeal sunset provision.	1/2/2020 House: Referred to Committee on Health, Welfare and Institutions 1/21/2020 House: Reported from Health, Welfare and Institutions (22-Y 0-N)	[1/24/2020]
[Support] (20102454D) - See also SB 864 (Pillion). Summary: Comprehensive harm reduction programs; public health emergency; repeal sunset. 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.		
<u>HB 382</u> - Convirs-Fowler (21) Virginia Shoreline Resiliency Fund; grant program.	1/2/2020 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/24/2020]
[Support] (20101699D) - See also HB 22 (Lindsey). Summary: 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.		

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<u>HB 421</u> - Price (95) Firearms, ammunition, etc.; control by localities by governing possession, etc., within locality.	1/3/2020 House: Referred to Committee on Public Safety 1/24/2020 House: Reported from Public Safety (13-Y 9-N)	[1/24/2020]
<p>[Support] (20100939D)</p> <p>Summary: Control of firearms by localities. 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.</p>		
<u>HB 438</u> - Heretick (79) Workers' compensation; post-traumatic stress disorder, law-enforcement officers and firefighters.	1/3/2020 House: Referred to Committee on Labor and Commerce	[1/17/2020]
<p>[Support] (20102221D)</p> <p>Summary: Workers' compensation; post-traumatic stress disorder; law-enforcement officers and firefighters. Provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, which includes an event occurring in the line of duty on or after July 1, 2020, in which a law-enforcement officer or firefighter views a deceased minor, witnesses the death of a person or an incident involving the death of a person, witnesses an injury to a person who subsequently dies, has physical contact with and treats an injured person who subsequently dies, transports an injured person who subsequently dies, or witnesses a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in permanent disfigurement of the victim. Other conditions for compensability include (i) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (ii) if the law-enforcement officer's or firefighter's undergoing a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (iii) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (iv) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure establishes procedural requirements on employers that contest a claim for such benefits. The measure also establishes requirements for resilience and self-care technique training.</p>		
<u>HB 534</u> - Carr (69) Disposable plastic bag; local tax.	1/5/2020 House: Referred to Committee on Finance	[1/24/2020]
<p>[Support] (20101570D) - Support effort to reduce waste from plastic bags, but revenue generated should be directed to localities as they are responsible for solid waste management.</p> <p>Summary: Local disposable plastic bag tax. 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.</p>		

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<p>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.</p>		
<p>HB 566 - Guzman (31) Food stamps and TANF; eligibility, drug-related felonies.</p>	<p>1/6/2020 House: Referred to Committee on Health, Welfare and Institutions 1/23/2020 House: Subcommittee recommends reporting with substitute (6-Y 0-N) 1/23/2020 House: Subcommittee recommends referring to Committee on Appropriations</p>	<p>[1/24/2020]</p>
<p>[Support] (20105131D) - Board has historically supported. See also SB 124 (Locke). Summary: Eligibility for food stamps and TANF; drug-related felonies. 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 Â¿ 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.</p>		
<p>HB 572 - Keam (35) Distributed renewable energy; promotes the establishment thereof.</p>	<p>1/6/2020 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/15/2020 House: Referred from Agriculture, Chesapeake and Natural Resources by voice vote 1/15/2020 House: Referred to Committee on Labor and Commerce</p>	<p>[1/17/2020]</p>
<p>[Support] (20101906D) - Board has historically supported. Summary: Distributed renewable energy. Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) removes the one percent cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multi-family residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 590 - Guzman (31) Eligible housing areas; tax credit for participating landlords, expands definition.	1/6/2020 House: Referred to Committee on Finance (HFIN) 1/15/2020 House: Incorporates HB 1014 (Herring) 1/15/2020 House: Reported from HFIN with substitute (14-Y 7-N) 1/21/2020 House: Read third time and passed House (63-Y 36-N) 1/22/2020 Senate: Referred to Committee on Finance and Appropriations	[1/24/2020]
<p>[Support] (20105800D-H1)</p> <p>Summary: Tax credit for participating landlords; eligible housing areas. 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.</p>		
HB 608 - Miyares (82) Health Enterprise Zone Program and Fund; established, report.	1/6/2020 House: Referred to Committee on Health, Welfare and Institutions	[1/24/2020]
<p>[Support] (20101235D)</p> <p>Summary: Health Enterprise Zone Program and Fund. 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.</p>		
HB 621 - Willett (73) Speed monitoring systems; local ordinances.	1/6/2020 House: Referred to Committee on Labor and Commerce (HLC) 1/16/2020 House: Referred from HLC by voice vote 1/16/2020 House: Referred to Committee on Transportation	[1/24/2020]
<p>[Support] (20104317D)</p> <p>Summary: 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.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 696</u> - Roem (13) Local human rights ordinances; sexual orientation and gender identity.	1/6/2020 House: Referred to Committee on Counties, Cities and Towns	[1/24/2020]
[Support] (20104504D) - Board has historically supported. Summary: Provides that localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity.		
<u>HB 713</u> - Hope (47) Mandatory outpatient treatment orders; judicial review conferences.	1/6/2020 House: Referred to Committee on Health, Welfare and Institutions	[1/24/2020]
[Support] (20104681D) Summary: 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.		
<u>HB 726</u> - Reid (32) Comprehensive plan; extends time for approval by locality.	1/6/2020 House: Referred to Committee on Counties, Cities and Towns	[1/17/2020]
[Support] (20104803D) - See also SB 746 (Bell). Summary: Comprehensive plan. Extends the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment from 90 to 180 days.		
<u>HB 742</u> - Bulova (37) Unmanned aerial systems; local regulation.	1/6/2020 House: Referred to Committee on Communications, Technology and Innovation 1/22/2020 House: Subcommittee recommends reporting with substitute (8-Y 0-N)	[1/17/2020]
[Support] (20102308D) - Support concept of providing authority for political subdivisions to adopt restrictions regarding takeoff and landing of unmanned aerial systems on their property. Collaborate with stakeholders to ensure language of bill accomplishes this goal. See also HB 311 (Gooditis). Summary: Local regulation of unmanned aerial systems. Authorizes a political subdivision to adopt time, place, or manner restrictions regarding the takeoff or landing of unmanned aerial systems on property owned by the political subdivision.		

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<u>HB 774</u> - LaRock (33) Commonwealth Transportation Board; increases revenue- sharing funds.	1/7/2020 House: Referred to Committee on Finance	[1/24/2020]
[Support] (20103803D) Summary: Commonwealth Transportation Board; revenue-sharing funds. 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.		
<u>HB 778</u> - Jones (89) Family assessments; increases timeline for completion.	1/7/2020 House: Referred to Committee on Health, Welfare and Institutions 1/16/2020 House: Subcommittee recommends reporting (6-Y 0-N) 1/21/2020 House: Reported from Health, Welfare and Institutions (22-Y 0-N)	[1/24/2020]
[Support] (20100614D) Summary: Family assessments; timeline. 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.		
<u>HB 785</u> - Watts (39) Local taxing authority; equalizes city and county taxing authorities.	1/7/2020 House: Referred to Committee on Finance	[1/17/2020]
[Support] (20104813D) - Board has historically supported. Summary: Local taxing authority. Equalizes city taxing authority and county taxing authority by granting a county the same authority to impose taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds without limitation on the rate that may be imposed.		
<u>HB 812</u> - Ward (92) Handguns; limitation on purchases, penalty.	1/7/2020 House: Referred to Committee on Public Safety 1/24/2020 House: Reported from Public Safety with substitute (13-Y 9-N)	[1/17/2020]
[Support] (20103354D) - See also SB 69 (Locke). Summary: Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and makes such an offense a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, and (vi) purchases of antique firearms.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 891</u> - Sickles (43) Peer-to-peer vehicle sharing platforms; establishes sale of insurance, etc., for platforms.	1/7/2020 House: Referred to Committee on Communications, Technology and Innovation	[1/17/2020]
<p>[Support] (20105150D) - Support efforts to provide taxation parity with existing rental vehicles services. See also SB 749 (Cosgrove).</p> <p>Summary: Peer-to-peer vehicle sharing platforms; regulation; insurance; taxation. Establishes taxation, insurance coverage, sale of insurance, disclosure, safety recall, airport operation, and recordkeeping requirements for peer-to-peer vehicle sharing platforms, as defined in the bill.</p>		
<u>HB 892</u> - Sickles (43) Peer-to-peer vehicle sharing platforms; definition, taxation.	1/7/2020 House: Referred to Committee on Finance	[1/17/2020]
<p>[Support] (20102554D) - Support efforts to provide taxation parity with existing vehicle rental services. See also SB 750 (Cosgrove).</p> <p>Summary: Peer-to-peer vehicle sharing platforms; taxation. Provides that peer-to-peer vehicle sharing platforms, as defined in the bill, are renters for the purposes of taxation.</p>		
<u>HB 912</u> - Simon (53) Distributed renewable energy; promotes establishment of solar and other renewable energy.	1/7/2020 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/15/2020 House: Referred from Agriculture, Chesapeake and Natural Resources by voice vote 1/15/2020 House: Referred to Committee on Labor and Commerce	[1/17/2020]
<p>[Support] (20103986D) - Board has historically supported.</p> <p>Summary: Distributed renewable energy. Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) removes the one percent cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to two megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 977</u> - Krizek (44) County food and beverage tax; allowable tax rate, removal of referendum requirement.	1/7/2020 House: Referred to Committee on Finance	[1/17/2020]
<p>[Support] (20105088D)</p> <p>Summary: County food and beverage tax; allowable tax rate; removal of referendum requirement. Removes the four percent limit on the tax rate that counties may impose on food and beverages. The bill also removes the requirement that a county hold a referendum before imposing such a tax.</p>		
<u>HB 1078</u> - Hope (47) Virginia Public Procurement Act; process for competitive negotiation, etc.	1/7/2020 House: Referred to Committee on General Laws	[1/17/2020]
<p>[Support] (20104594D)</p> <p>Summary: Virginia Public Procurement Act; process for competitive negotiation; including employment of persons with a disability as a factor in evaluating proposals. Provides that a public body may include a proposer's employment of persons with disabilities to perform the specifications of the contract as a factor in evaluating a proposal.</p>		
<u>HB 1083</u> - Hayes, Jr. (77) Minors; allowing access to firearms, Class 6 felony.	1/7/2020 House: Referred to Committee on Public Safety 1/24/2020 House: Reported from Public Safety with substitute (13-Y 9-N)	[1/17/2020]
<p>[Support] (20102956D) - See also SB 581 (Howell).</p> <p>Summary: Allowing access to firearms by minors; penalty. Provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor.</p>		
<u>HB 1119</u> - Hope (47) Flavored tobacco products; sale prohibited, civil penalty.	1/7/2020 House: Referred to Committee for Courts of Justice 1/22/2020 House: Subcommittee recommends referring to Finance by voice vote	[1/24/2020]
<p>[Support] (20104960D) - Support efforts to reduce smoking and vaping while ensuring cultural traditions can legally continue.</p> <p>Summary: Flavored tobacco products; sale prohibited; civil penalty. 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.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 1120</u> - Hope (47) Tobacco products; tax on all tobacco products, penalties.	1/7/2020 House: Referred to Committee on Finance	[1/24/2020]
<p>[Support] (20104565D) - Support concept of increased cigarette/e-cigarette tax as a deterrent to smoking, but equal taxing authority without a cigarette tax cap remains a top County priority. See also SB 852 (Ebbin). Summary: Taxes on tobacco products; penalties. 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.</p>		
<u>HB 1151</u> - Lopez (49) Single-use plastic and expanded polystyrene products; local prohibition, local tax.	1/7/2020 House: Referred to Committee on Finance	[1/24/2020]
<p>[Support] (20101671D) - Support effort to reduce waste from plastic bags, but revenue generated should be directed to localities as they are responsible for solid waste management. Summary: Single-use plastic and expanded polystyrene products; local prohibition; local tax. 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.</p>		
<u>HB 1184</u> - Lopez (49) Distributed energy generation; promotes establishment of distributed solar energy.	1/7/2020 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/22/2020 House: Referred from Agriculture, Chesapeake and Natural Resources by voice vote 1/22/2020 House: Referred to Committee on Labor and Commerce	[1/17/2020]
<p>[Support] (20104922D) - Board has historically supported. Summary: Distributed energy generation. Promotes the establishment of distributed solar and other renewable energy. The measure (i) increases the cap on the total amount of renewable energy that can be net metered in a utility's service territory from one percent to 10 percent, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar</p>		

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array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a solar energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of solar energy and states that the distributed generation of solar electricity is in the public interest, and the State Corporation Commission shall so find if required to make a finding regarding whether such construction or purchase is in the public interest.		
HB 1196 - Lopez (49) Driver's license; suspension for nonpayment of fines or costs.	1/7/2020 House: Referred to Committee on Transportation 1/21/2020 House: Referred from Transportation by voice vote 1/21/2020 House: Referred to Committee for Courts of Justice	[1/24/2020]
[Support] (20103348D) - Board has historically supported concept of alternatives to driver's license suspension to address non-payment of court fines and costs. Summary: Suspension of driver's license for nonpayment of fines or costs. 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.		
HB 1201 - Tran (42) Virginia Public Procurement Act; determination of non- responsibility, local option.	1/7/2020 House: Referred to Committee on General Laws	[1/24/2020]
[Support] (20105099D) Summary: Virginia Public Procurement Act; determination of non-responsibility; local option to include criteria in invitation to bid. 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.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 1202</u> - Tran (42) Project labor agreements; public procurement by local governments.	1/7/2020 House: Referred to Committee on General Laws	[1/24/2020]
<p>[Support] (20104446D)</p> <p>Summary: 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.</p>		
<u>HB 1203</u> - Tran (42) Prevailing wage; public works contracts with localities, penalty.	1/7/2020 House: Referred to Committee on Labor and Commerce	[1/24/2020]
<p>[Support] (20104359D) - Support as a local option.</p> <p>Summary: Prevailing wage; public works contracts with localities; penalty. 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.</p>		
<u>HB 1211</u> - Tran (42) Motor Vehicles, Department of; issuance of certain documents, citizenship requirement.	1/7/2020 House: Referred to Committee on Transportation	[1/24/2020]
<p>[Support] (20103891D)</p> <p>Summary: Department of Motor Vehicles; issuance of certain documents; citizenship requirement. 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.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 1216 - Tran (42) State of good repair funds; bridges subject to repeated flooding.	1/7/2020 House: Referred to Committee on Transportation	[1/24/2020]
<p>[Support] (20100138D)</p> <p>Summary: 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.</p>		
HB 1217 - Tran (42) Transportation, Department of; at-risk infrastructure, report.	1/7/2020 House: Referred to Committee on Transportation 1/23/2020 House: Subcommittee recommends reporting with amendments (7-Y 4-N)	[1/24/2020]
<p>[Support] (20104450D)</p> <p>Summary: Department of Transportation; at-risk infrastructure; report. 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.</p>		
HB 1227 - LaRock (33) Unmanned aerial systems; local regulation.	1/7/2020 House: Referred to Committee on Communications, Technology and Innovation 1/22/2020 House: Subcommittee recommends incorporating (HB 742-Bulova) by voice vote	[1/17/2020]
<p>[Support] (20105013D) - Support concept of providing authority for political subdivisions to adopt restrictions regarding takeoff and landing of unmanned aerial systems on their property. Collaborate with stakeholders to ensure language of bill accomplishes this goal.</p> <p>Summary: Local regulation of unmanned aerial systems. Authorizes a political subdivision to adopt time, place, or manner regulations regarding the takeoff or landing of unmanned aerial systems on property owned by the political subdivision, provided such regulations are narrowly tailored to protect the health, safety, and welfare of the public. Takeoff and landing regulations adopted by a political subdivision shall not apply to persons authorized by federal regulations to operate an unmanned aircraft system provided such system is operated in an otherwise lawful manner and consistent with federal regulations. A political subdivision shall annually report to the Department of Aviation any regulations adopted pursuant to this section.</p>		
HB 1464 - Gooditis (10) Restrict nutrient credit usage; local authority.	1/8/2020 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/24/2020]
<p>[Support] (20105223D)</p> <p>Summary: Local authority to restrict nutrient credit usage. 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.</p>		

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<u>HB 1480</u> - Gooditis (10) Pet shops; local regulation on sale of animals.	1/8/2020 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/24/2020]
<p>[Support] (20102872D)</p> <p>Summary: Local regulation of pet shops. 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.</p>		
<u>HB 1518</u> - McQuinn (70) Primary and secondary highways; compensation of counties for certain construction.	1/8/2020 House: Referred to Committee on Transportation	[1/24/2020]
<p>[Support] (20103783D)</p> <p>Summary: Compensation of counties for certain construction and improvement of primary and secondary highways. 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.</p>		
<u>HB 1534</u> - Samirah (86) Town taxes; collection by county.	1/10/2020 House: Referred to Committee on Counties, Cities and Towns	[1/17/2020]
<p>[Support] (20105339D) - See also SB 649 (Boysko).</p> <p>Summary: Collection of town taxes by county. Authorizes the board of supervisors of any county that has adopted the urban county executive form of government to enter into agreements with towns located partially or wholly within such county for the collection and enforcement of real or personal property taxes by the county official responsible for assessment or collection of taxes. The authority granted to such counties is similar to authority granted to Loudoun County under existing law.</p>		
<u>HB 1552</u> - Levine (45) Tethering animals; adequate shelter and space.	1/11/2020 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/17/2020]
<p>[Support] (20105457D) - The County supports the expanded authority for the care of companion animals but does not support the tethering provisions. See also SB 272 (Bell).</p> <p>Summary: Provides that outdoor tethering of an animal does not meet the requirement that an animal be given adequate shelter if it occurs (i) between 10 p.m. and 6 a.m., except when the animal is engaged in conduct related to an agricultural activity; (ii) when no owner is on the property; (iii) when the temperature is 32 degrees Fahrenheit or lower, or 85 degrees Fahrenheit or higher; (iv) during a heat advisory; or (v) during a</p>		

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severe weather warning. The bill increases certain minimum tether length requirements to meet the requirement that an animal be given adequate space by requiring that a tether be at least 15 feet in length or four times the length of the animal, whichever is greater. Current law requires the tether to be at least 10 feet in length or three times the length of the animal, whichever is greater. The bill also authorizes the governing body of any locality to adopt, and make more stringent, ordinances that parallel certain state provisions related to care of companion animals.		
HB 1644 - Plum (36) Vehicles stopped at crosswalks; prohibition on passing.	1/16/2020 House: Referred to Committee on Transportation	[1/24/2020]
[Support] (20101622D) - Board has historically supported. Summary: 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.		
HB 1673 - Ware (65) Plastic bag tax; use of revenues.	1/17/2020 House: Referred to Committee on Finance	[1/24/2020]
[Support] (20104420D) - Support effort to reduce waste from plastic bags, but revenue generated should be directed to localities as they are responsible for solid waste management. Summary: 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.		
HB 1705 - Kory (38) Pedestrians; drivers to stop when yielding the right-of-way.	1/17/2020 House: Referred to Committee on Transportation	[1/24/2020]
[Support] (20105498D) - Board has historically supported. Summary: Yielding the right-of-way to pedestrians; stopping. 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.		

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<u>HJ 1</u> - Foy (2) United States Constitution; ratifies and affirms Equal Rights Amendment.	11/18/2019 House: Referred to Committee on Privileges and Elections 1/14/2020 House: Reported from Privileges and Elections (13-Y 9-N) 1/15/2020 House: VOTE: Adoption (59-Y 41-N) 1/15/2020 Senate: Referred to Committee on Privileges and Elections 1/21/2020 Senate: Reported from Privileges and Elections (10-Y 5-N)	[1/17/2020]
<p>[Support] (20105798D-H1) - Board has historically supported. See also SJ 1 (McClellan). Summary: Constitution of the United States; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the Constitution of the United States that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.</p>		
<u>HJ 31</u> - Lopez (49) Commonwealth-wide housing needs; Department of Housing and Community Development to study.	1/1/2020 House: Referred to Committee on Rules	[1/24/2020]
<p>[Support with Amendment] (20101786D) - Support with amendment to include the Virginia Housing Development Authority in the study. Summary: Study; Department of Housing and Community Development; Commonwealth-wide housing needs. 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.</p>		
<u>HJ 63</u> - Rush (7) Blockchain technology; joint subcommittee to study emergence & integration in the economy.	1/6/2020 House: Referred to Committee on Rules	[1/24/2020]
<p>[Support with Amendment] (20102833D) - Support with amendment to include analysis of opportunities to deploy blockchain technology at the local level, and local government representation on the joint subcommittee. Summary: Study; joint subcommittee to study the emergence and integration of blockchain technology in the economy of the Commonwealth; report. 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.</p>		

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<u>HJ 82</u> - Ayala (51) Blockchain technology; VEDPA to study the emergence, etc., in economy.	1/7/2020 House: Referred to Committee on Rules	[1/24/2020]
<p>[Support with Amendment] (20104566D) - Support with amendment to include collaboration with local government representatives to analyze opportunities to deploy blockchain technology at the local level.</p> <p>Summary: Study; Virginia Economic Development Partnership Authority to study the emergence and integration of blockchain technology in the economy of the Commonwealth; report. 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.</p>		
<u>HJ 105</u> - Subramanyam (87) Blockchain technology; joint subcommittee to study emergence & integration in the economy.	1/8/2020 House: Referred to Committee on Rules	[1/24/2020]
<p>[Support with Amendment] (20103700D) - Support with amendment to include analysis of opportunities to deploy blockchain technology at the local level, and local government representation on the joint subcommittee.</p> <p>Summary: Study; joint subcommittee to study the emergence and integration of blockchain technology in the economy of the Commonwealth; report. 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.</p>		
<u>SB 1</u> - Stanley, Jr. (20) Driver's license; suspension for nonpayment of fines or costs.	11/18/2019 Senate: Referred to Committee on the Judiciary 1/15/2020 Senate: Incorporates SB 10 (Ebbin) 1/15/2020 Senate: Incorporates SB 514 (Edwards) 1/15/2020 Senate: Incorporates SB 814 (Morrissey) 1/15/2020 Senate: Reported from Judiciary with substitute (14-Y 0-N) 1/15/2020 Senate: Re-referred to Finance and Appropriations	[1/24/2020]
<p>[Support] (20105850D-S1) - Board has historically supported concept of alternatives to driver's license suspension to address non-payment of court fines and costs.</p> <p>Summary: Suspension of driver's license for nonpayment of fines or costs. 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</p>		

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<p>finances 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.</p>		
<p><u>SB 8</u> - Saslaw (35) Prevailing wage; public works contracts, penalty.</p>	<p>11/18/2019 Senate: Referred to Committee on Commerce and Labor</p>	<p>[1/24/2020]</p>
<p>[Support] (20100503D) Summary: Prevailing wage; public works contracts; penalty. 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.</p>		
<p><u>SB 11</u> - Ebbin (30) Disposable paper and plastic bags; local taxation per bag when provided to consumers.</p>	<p>11/18/2019 Senate: Referred to Committee on Finance</p>	<p>[1/17/2020]</p>
<p>[Support] (20100728D) - Support effort to reduce waste from plastic bags, but revenue generated should be directed to localities as they are responsible for solid waste management. Summary: Local disposable paper and plastic bag tax. Authorizes any locality to impose a tax of five cents per bag on disposable paper bags or disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain one cent of the five-cent tax.</p>		
<p><u>SB 26</u> - Petersen (34) Plastic bags; tax in the Chesapeake Bay Watershed.</p>	<p>11/18/2019 Senate: Referred to Committee on Finance</p>	<p>[1/24/2020]</p>
<p>[Support] (20100599D) - Support effort to reduce waste from plastic bags, but revenue generated should be directed to localities as they are responsible for solid waste management. Summary: Plastic bag tax in the Chesapeake Bay Watershed. 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.</p>		

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SB 35 - Surovell (36) Firearms, etc.; permitted events.	11/18/2019 Senate: Referred to Committee on the Judiciary 1/13/2020 Senate: Incorporates SB 615 (Deeds) 1/13/2020 Senate: Incorporates SB 450 (Edwards) 1/13/2020 Senate: Incorporates SB 505 (Edwards) 1/13/2020 Senate: Incorporates SB 506 (Edwards) 1/13/2020 Senate: Reported from Judiciary with substitute (9-Y 5-N) 1/16/2020 Senate: Read third time and passed Senate (21-Y 19-N)	[1/17/2020]
<p>[Support] (20105646D-S1) - Collaborate with stakeholders to ensure bill can be successfully implemented.</p> <p>Summary: Control of firearms by localities; permitted events. Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) in any public park owned by the locality; or (iii) in any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. 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 any firearm received by the locality pursuant to gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold. The bill contains technical amendments. This bill incorporates SB 450, SB 505, SB 506, and SB 615.</p>		
SB 40 - DeSteph (8) Line of Duty Act; eligible dependents.	11/18/2019 Senate: Referred to Committee on Finance and Appropriations	[1/17/2020]
<p>[Support] (20100676D)</p> <p>Summary: Provides that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if such coverage does not result in a premium increase. Under current law, such children are not eligible regardless of the effect on premiums.</p>		
SB 66 - McClellan (9) Va. Fair Housing Law; unlawful discriminatory housing practices, sexual orientation and gender, etc.	11/22/2019 Senate: Referred to Committee on General Laws and Technology	[1/17/2020]
<p>[Support] (20101054D) - Board has historically supported.</p> <p>Summary: Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual orientation and gender identity. Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity."</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 69 - Locke (2) Handguns; limitation on purchases, penalty.	11/22/2019 Senate: Referred to Committee on the Judiciary 1/13/2020 Senate: Incorporates SB 22 (Saslaw) 1/13/2020 Senate: Reported from Judiciary with substitute (9-Y 5-N) 1/16/2020 Senate: Read third time and passed Senate (21-Y 19-N)	[1/17/2020]
<p>[Support] (20105654D-S1) - See also HB 812 (Ward).</p> <p>Summary: Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. This bill incorporates SB 22.</p>		
SB 70 - Lucas (18) Firearm transfers; criminal history record information check, penalty.	11/22/2019 Senate: Referred to Committee on the Judiciary 1/13/2020 Senate: Incorporates SB 12 (Saslaw) 1/13/2020 Senate: Reported from Judiciary with substitute (9-Y 5-N) 1/16/2020 Senate: Read third time and passed Senate (24-Y 16-N) 1/16/2020 Senate: Reconsideration of passage agreed to by Senate (40-Y 0-N) 1/16/2020 Senate: Passed Senate (23-Y 17-N)	[1/24/2020]
<p>[Support] (20105589D-S1) - Support the comprehensive approach to requiring universal background checks as envisioned in HB 2.</p> <p>Summary: Firearm sales; criminal history record information checks; penalty. 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.</p>		
SB 111 - Howell (32) Absentee voting; no excuse required.	12/12/2019 Senate: Referred to Committee on Privileges and Elections (SPE) 1/14/2020 Senate: Incorporates SB 45 (Spruill) 1/14/2020 Senate: Incorporates SB 137 (Stuart) 1/14/2020 Senate: Reported from SPE with substitute (11-Y 4-N) 1/15/2020 Senate: Incorporates SB 696 (Mason) 1/15/2020 Senate: Incorporates SB 879 (Locke) 1/20/2020 Senate: Read third time and passed Senate (31-Y 9-N)	[1/17/2020]
<p>[Support] (20105793D-S1) - Collaborate with stakeholders to ensure bill can be successfully implemented.</p> <p>Summary: Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 124 - Locke (2) Food stamps; eligibility, drug-related felonies.	12/16/2019 Senate: Referred to Committee on Rehabilitation and Social Services (SRSS) 1/10/2020 Senate: Incorporates SB 155 (Favola) 1/10/2020 Senate: Reported from SRSS with substitute (9-Y 6-N) 1/10/2020 Senate: Re-referred to Finance and Appropriations 1/22/2020 Senate: Reported from Finance and Appropriations (13-Y 2-N)	[1/24/2020]
<p>[Support] (20105548D-S1) - Board has historically supported. See also HB 566 (Guzman).</p> <p>Summary: Eligibility for food stamps; drug-related felonies. 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, a person otherwise eligible to receive food stamp benefits shall 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 fulfills any other obligations as determined by the Department of Social Services.</p>		
SB 149 - Howell (32) Courthouse and courtroom security; assessment.	12/18/2019 Senate: Referred to Committee on the Judiciary 1/13/2020 Senate: Re-referred to Finance and Appropriations	[1/17/2020]
<p>[Support] (20101599D) - Board has historically supported.</p> <p>Summary: Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.</p>		
SB 159 - Boysko (33) Public employment; prohibits discrimination on basis of sexual orientation or gender identity.	12/18/2019 Senate: Referred to Committee on General Laws and Technology	[1/24/2020]
<p>[Support] (20102892D) - Board has historically supported.</p> <p>Summary: Nondiscrimination in public employment. 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.</p>		
SB 180 - Favola (31) Prevailing wage; public works contracts, penalty.	12/21/2019 Senate: Referred to Committee on Commerce and Labor	[1/24/2020]
<p>[Support] (20101737D)</p> <p>Summary: Prevailing wage; public works contracts; penalty. 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</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>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.</p>		
<u>SB 182</u> - Saslaw (35) Project labor agreements; public procurement.	12/24/2019 Senate: Referred to Committee on General Laws and Technology 1/22/2020 Senate: Re-referred to Commerce and Labor	[1/24/2020]
<p>[Support] (20102362D) Summary: 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.</p>		
<u>SB 184</u> - Locke (2) Tree conservation ordinance; Chesapeake Bay Preservation Act locality, designated trees.	12/26/2019 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources	[1/24/2020]
<p>[Support] (20102410D) - See also HB 221 (Mugler). Summary: Tree conservation ordinance; Chesapeake Bay Preservation Act locality; designated trees. 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.</p>		
<u>SB 193</u> - Favola (31) Single-use plastic and expanded polystyrene products; local prohibition, local tax.	12/29/2019 Senate: Referred to Committee on Local Government 1/20/2020 Senate: Re-referred to Finance and Appropriations	[1/17/2020]
<p>[Support] (20101425D) - Support effort to reduce waste from plastic bags, but revenue generated should be directed to localities as they are responsible for solid waste management. Summary: Single-use plastic and expanded polystyrene products; local prohibition; local tax. 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.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 198 - Locke (2) Disposable plastic shopping bags; local option.	12/29/2019 Senate: Referred to Committee on Local Government 1/20/2020 Senate: Re-referred to Finance and Appropriations	[1/17/2020]
<p>[Support] (20101662D) - Support effort to reduce waste from plastic bags, but revenue generated should be directed to localities as they are responsible for solid waste management.</p> <p>Summary: Allows any locality by ordinance to prohibit the distribution, sale, or offer for sale of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness, bags that are used to carry certain products, such as ice cream or newspapers, and garbage bags that are sold in multiples.</p>		
SB 209 - Petersen (34) Judges; increases maximum number in judicial district.	12/30/2019 Senate: Referred to Committee on the Judiciary 1/15/2020 Senate: Reported from Judiciary (14-Y 0-N) 1/15/2020 Senate: Re-referred to Finance and Appropriations	[1/17/2020]
<p>[Support] (20102142D) - Board has historically supported. See also HB 275 (Sullivan).</p> <p>Summary: Maximum number of judges in each judicial district. Increases from 11 to 12 the maximum number of authorized general district court judgeships in the nineteenth judicial district. The Committee on District Courts recommended the additional judgeship in 2018.</p>		
SB 272 - Bell (13) Tethering animals; adequate shelter and space.	1/3/2020 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources	[1/17/2020]
<p>[Support] (20103262D) - The County supports the expanded authority for the care of companion animals but does not support the tethering provisions. See also HB 1552 (Levine).</p> <p>Summary: Provides that outdoor tethering of an animal does not meet the requirement that an animal be given adequate shelter if it occurs (i) between 10 p.m. and 6 a.m., except when the animal is engaged in conduct related to an agricultural activity; (ii) when no owner is on the property; (iii) when the temperature is 32 degrees Fahrenheit or lower, or 85 degrees Fahrenheit or higher; (iv) during a heat advisory; or (v) during a severe weather warning. The bill increases certain minimum tether length requirements to meet the requirement that an animal be given adequate space by requiring that a tether be at least 15 feet in length or four times the length of the animal, whichever is greater. Current law requires the tether to be at least 10 feet in length or three times the length of the animal, whichever is greater. The bill also authorizes the governing body of any locality to adopt, and make more stringent, ordinances that parallel certain state provisions related to care of companion animals.</p>		
SB 276 - Barker (39) Safety belt system; use in motor vehicles.	1/3/2020 Senate: Referred to Committee on Transportation	[1/17/2020]
<p>[Support] (20103297D)</p> <p>Summary: Safety belt system use in motor vehicles. Requires all occupants of motor vehicles to utilize a safety belt system. Current law requires the use of safety belts only by (i) occupants under the age of 18, (ii) drivers, and (iii) passengers 18 years of age or older occupying the front seat. The bill changes a violation of safety belt system requirements from a secondary offense to a primary offense.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 277 - Barker (39) Income tax, state and corporate; deduction for commuter benefits provided by an employer.	1/3/2020 Senate: Referred to Committee on Finance and Appropriations	[1/17/2020]
<p>[Support] (20103304D)</p> <p>Summary: Income tax deduction for commuter benefits provided by an employer. Establishes, starting in taxable year 2020, an individual and corporate income tax deduction for commuter benefits, defined in the bill, provided by an employer to its employees. The deduction is available only to the employer and is limited to \$265 per employee.</p>		
SB 297 - Favola (31) Virginia Sexual and Domestic Violence Prevention Fund; created, report.	1/3/2020 Senate: Referred to Committee on the Judiciary 1/13/2020 Senate: Re-referred to Rehabilitation and Social Services 1/17/2020 Senate: Reported from Rehabilitation and Social Services with amendment (14-Y 0-N) 1/17/2020 Senate: Re-referred to Finance and Appropriations	[1/17/2020]
<p>[Support] (20103455D)</p> <p>Summary: Virginia Sexual and Domestic Violence Prevention Fund; report. Creates the Virginia Sexual and Domestic Violence Prevention Fund, which shall be administered by the Department of Social Services, in coordination with the Department of Health and the Virginia Sexual and Domestic Violence Action Alliance, and used to develop and support programs that prevent sexual and domestic violence through strategies that (i) promote healthy practices related to relationships, sexuality, and social-emotional development and (ii) counteract the factors associated with the initial perpetration of sexual and domestic violence.</p>		
SB 316 - Kiggans (7) Elections; date of June primary election.	1/5/2020 Senate: Referred to Committee on Privileges and Elections 1/21/2020 Senate: Reported from Privileges and Elections (14-Y 1-N)	[1/17/2020]
<p>[Support] (20103661D) - Board has historically supported. See also HB 57 (Fowler).</p> <p>Summary: Changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date.</p>		
SB 435 - Surovell (36) Waterfowl blinds; blinds in locality where certain hunting prohibited.	1/7/2020 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/14/2020 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (14-Y 0-N) 1/20/2020 Senate: Read third time and passed Senate (40-Y 0-N)	[1/17/2020]
<p>[Support] (20105779D-S1)</p> <p>Summary: Waterfowl blinds in locality where certain hunting prohibited. Directs the Department of Game and Inland Fisheries not to license any stationary waterfowl blind in any area in which a local governing body prohibits by ordinance the hunting of birds with a firearm.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 475 - Bell (13) Virginia Public Procurement Act; use of best value contracting.	1/7/2020 Senate: Referred to Committee on General Laws and Technology	[1/17/2020]
<p>[Support] (20102619D)</p> <p>Summary: Virginia Public Procurement Act; use of best value contracting; construction and professional services. Authorizes any public body to procure construction on a best value procurement basis using a numerical scoring system consisting of the following: (i) technical solution, 30 percent; (ii) past performance, 30 percent, including (a) price history of cost overruns, (b) schedule history of on-time delivery, and (c) contractor performance ratings from the immediately preceding five-year period; and (iii) price, 40 percent. The Request for Proposal shall contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis. The Request for Proposal shall describe (1) the criteria that will be considered in evaluating the proposals and (2) the numerical scoring system that will be used in evaluating the proposals, including identification of the factors and weight values set forth in the bill.</p>		
SB 484 - Favola (31) Local taxing authority; equalizes city and county taxing authorities.	1/7/2020 Senate: Referred to Committee on Finance and Appropriations	[1/17/2020]
<p>[Support] (20104703D) - Board has historically supported.</p> <p>Summary: Local taxing authority. Equalizes city taxing authority and county taxing authority by granting a county the same authority available to impose excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds without limitation on the rate that may be imposed. The bill retains a restriction that applies to counties under current law and requires that any transient occupancy tax revenue attributable to a rate of between two and five percent must be used for tourism marketing.</p>		
SB 532 - Edwards (21) Third-party power purchase agreements; regulation of retail sales of electricity under agreements.	1/7/2020 Senate: Referred to Committee on Commerce and Labor	[1/17/2020]
<p>[Support] (20102819D)</p> <p>Summary: Third-party power purchase agreements. Exempts sellers under third-party power purchase agreements from being defined as a public utility, public service corporation, public service company, or electric utility solely because of the sale of electricity or ownership or operation of a distributed generation facility. The measure provides that the sale of electricity generated at a distributed energy facility by a person that is not a public utility, public service corporation, or public service company to a customer that is purchasing or leasing the distributed energy facility under the terms of a third-party power purchase agreement does not constitute the retail sale of electricity. The measure proscribes State Corporation Commission regulation of the sale of electric energy that is generated on site by a distributed generation facility pursuant to a third-party power purchase agreement. The measure also repeals the pilot program initially enacted in 2013 that authorized Dominion Energy to enter into certain third-party power purchase agreements providing financing of certain renewable generation facilities.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 561</u> - Vogel (27) Workers' compensation; post-traumatic stress disorder, law-enforcement officers and firefighters.	1/7/2020 Senate: Referred to Committee on Commerce and Labor 1/13/2020 Senate: Incorporates SB 924 (Cosgrove) 1/13/2020 Senate: Reported from Commerce and Labor with substitute (12-Y 3-N) 1/13/2020 Senate: Re-referred to Finance and Appropriations	[1/17/2020]
<p>[Support] (20105715D-S1)</p> <p>Summary: Workers' compensation; post-traumatic stress disorder; law-enforcement officers and firefighters. Provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event, which includes an event occurring in the line of duty on or after July 1, 2020, in which a law-enforcement officer or firefighter views a deceased minor, witnesses the death of a person or an incident involving the death of a person, witnesses an injury to a person who subsequently dies, has physical contact with and treats an injured person who subsequently dies, transports an injured person who subsequently dies, or witnesses a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in permanent disfigurement of the victim. Other conditions for compensability include (i) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain federal Occupational Safety and Health Act standards; (ii) if the law-enforcement officer's or firefighter's undergoing a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (iii) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (iv) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measure establishes procedural requirements on employers that contest a claim for such benefits. The measure also establishes requirements for resilience and self-care technique training.</p>		
<u>SB 581</u> - Howell (32) Minors; allowing access to firearms, Class 6 felony.	1/7/2020 Senate: Referred to Committee on the Judiciary	[1/17/2020]
<p>[Support] (20102952D) - See also HB 1083 (Hayes).</p> <p>Summary: Allowing access to firearms by minors; penalty. Provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 631 - Surovell (36) Abandoned and stolen shopping carts; local regulation.	1/7/2020 Senate: Referred to Committee on Local Government 1/20/2020 Senate: Reported from Local Government with amendments (8-Y 7-N) 1/23/2020 Senate: Read third time and defeated by Senate (20-Y 20-N) 1/23/2020 Senate: Chair votes No 1/23/2020 Senate: Reconsideration of defeated action agreed to by Senate (40-Y 0-N)	[1/17/2020]
<p>[Support] (20104457D) - The County supports expanded local authority but has concerns about its ability to implement this authority, and the fine on individuals.</p> <p>Summary: Provides that Fairfax County and Arlington County may, by ordinance, provide that it is unlawful for any person to place, leave, or abandon on any real property in the county, or within specified districts within the county, any shopping cart. The bill requires such ordinance to provide that any such shopping cart that remains on the real property after a notice of violation is given to the owner of such shopping cart shall be presumed to be abandoned and subject to removal from the real property by the county or its agents without further notice. In the event that any such shopping cart is so removed, the cost of removal, including the cost of disposal, shall be charged to the owner of the shopping cart. The bill also authorizes such ordinance to prohibit possession of a shopping cart outside of the designated premises when the owner has posted notice of such prohibition. Such ordinance may provide for a civil penalty of not more than \$500.</p>		
SB 643 - Boysko (33) Motor Vehicles, Department of; issuance of certain documents.	1/7/2020 Senate: Referred to Committee on Transportation	[1/24/2020]
<p>[Support] (20102087D)</p> <p>Summary: Department of Motor Vehicles; issuance of certain documents; citizenship requirement. 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.</p>		
SB 649 - Boysko (33) Town taxes; collection by county.	1/7/2020 Senate: Referred to Committee on Local Government 1/13/2020 Senate: Reported from Local Government (13-Y 0-N) 1/17/2020 Senate: Read third time and passed Senate (38-Y 0-N)	[1/17/2020]
<p>[Support] (20105082D) - See also HB 1534 (Samirah).</p> <p>Summary: Collection of town taxes by county. Authorizes the board of supervisors of any county that has adopted the urban county executive form of government to enter into agreements with towns located partially or wholly within such county for the collection and enforcement of real or personal property taxes by the county official responsible for assessment or collection of taxes. The authority granted to such counties is similar to authority granted to Loudoun County under existing law.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 682 - Mason (1) Food and beverage tax; county imposing a tax greater than four percent.	1/7/2020 Senate: Referred to Committee on Finance and Appropriations	[1/24/2020]
<p>[Support] (20103944D) - Board has historically supported.</p> <p>Summary: County food and beverage tax. 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.</p>		
SB 710 - McClellan (9) Distributed renewable energy; establishment of solar renewable energy, etc.	1/7/2020 Senate: Referred to Committee on Commerce and Labor	[1/17/2020]
<p>[Support] (20104871D) - Board has historically supported.</p> <p>Summary: Distributed renewable energy. Promotes the establishment of distributed renewable solar and other renewable energy. The measure (i) increases from one percent to 10 percent the systemwide cap on the total amount of renewable energy that can be net metered in a utility's service territory, (ii) authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, (iii) allows local governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, (iv) allows all net metering customers to attribute output from a single solar array to multiple meters, (v) allows the owner of a multifamily residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, (vi) removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, (vii) raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and (viii) removes the ability of utilities to assess standby charges. The measure also amends the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy.</p>		
SB 746 - Bell (13) Comprehensive plan; adoption or disapproval by governing body.	1/8/2020 Senate: Referred to Committee on Local Government 1/20/2020 Senate: Reported from Local Government with amendments (12-Y 3-N) 1/23/2020 Senate: Read third time and passed Senate (35-Y 5-N)	[1/17/2020]
<p>[Support] (20105016D) - See also HB 726 (Reid).</p> <p>Summary: Comprehensive plan. Extends the time by which a governing body is required to approve or disapprove a locality-initiated comprehensive plan amendment from 90 to 180 days.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 749 - Cosgrove, Jr. (14) Peer-to-peer vehicle sharing platforms; establishes sale of insurance, etc., for platforms.	1/8/2020 Senate: Referred to Committee on Commerce and Labor	[1/17/2020]
<p>[Support] (20105235D) - Support efforts to provide taxation parity with existing vehicle rental services. See also HB 891 (Sickles).</p> <p>Summary: Peer-to-peer vehicle sharing platforms; regulation; insurance; taxation. Establishes taxation, insurance coverage, sale of insurance, disclosure, safety recall, airport operation, and recordkeeping requirements for peer-to-peer vehicle sharing platforms, as defined in the bill.</p>		
SB 750 - Cosgrove, Jr. (14) Peer-to-peer vehicle sharing platforms; definition, taxation.	1/8/2020 Senate: Referred to Committee on Finance and Appropriations	[1/17/2020]
<p>[Support] (20102741D) - Support efforts to provide taxation parity with existing vehicle rental services. See also HB 892 (Sickles).</p> <p>Summary: Peer-to-peer vehicle sharing platforms; taxation. Provides that peer-to-peer vehicle sharing platforms, as defined in the bill, are renters for the purposes of taxation.</p>		
SB 759 - Marsden (37) Photo speed monitoring devices; civil penalty.	1/8/2020 Senate: Referred to Committee on Transportation	[1/17/2020]
<p>[Support] (20105147D)</p> <p>Summary: Speed monitoring devices; civil penalty. Authorizes law-enforcement officers to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such highway work zone is indicated by conspicuously placed signs displaying the maximum speed limit and the use of such photo speed monitoring device. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 839 - Ebbin (30) Zoning; permitted provisions in ordinance, worker protection.	1/8/2020 Senate: Referred to Committee on Local Government	[1/24/2020]
<p>[Support] (20103585D)</p> <p>Summary: Permitted provisions in the zoning ordinance; worker protection. 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.</p>		
SB 848 - Ebbin (30) Northern Virginia Transportation Commission; changes report date.	1/8/2020 Senate: Referred to Committee on Rules	[1/17/2020]
<p>[Support] (20102147D)</p> <p>Summary: Northern Virginia Transportation Commission; report date. Changes from November 1 to December 15 the annual reporting date of the Northern Virginia Transportation Commission to the Governor and the General Assembly regarding the performance of the Washington Metropolitan Area Transit Authority.</p>		
SB 852 - Ebbin (30) Tobacco products; tax on all tobacco products, penalties.	1/8/2020 Senate: Referred to Committee on Finance and Appropriations	[1/24/2020]
<p>[Support] (20104343D) - Support concept of increased cigarette/e-cigarette tax as a deterrent to smoking, but equal taxing authority without a cigarette tax cap remains a top County priority. See also HB 1120 (Hope).</p> <p>Summary: Taxes on tobacco products; penalties. 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.</p>		
SB 864 - Pillion (40) Comprehensive harm reduction programs; public health emergency, repeal sunset provision.	1/8/2020 Senate: Referred to Committee on Education and Health	[1/24/2020]
<p>[Support] (20104765D) - See also HB 378 (Rasoul).</p> <p>Summary: Comprehensive harm reduction programs; public health emergency; repeal sunset. 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.</p>		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<u>SB 921</u> - Locke (2) Cigarette tax, local; authorizes all counties to impose without rate limit.	1/9/2020 Senate: Referred to Committee on Finance and Appropriations	[1/24/2020]
<p>[Support] (20104542D) - Board has historically supported.</p> <p>Summary: Local cigarette tax; authorize all counties to impose without rate limit. 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).</p>		
<u>SJ 1</u> - McClellan (9) United States Constitution; ratifies and affirms Equal Rights Amendment.	11/18/2019 Senate: Referred to Committee on Privileges and Elections (SPE) 1/9/2020 Senate: Incorporates SJ 5 (Saslaw) 1/9/2020 Senate: Reported from SPE with substitute (10-Y 5-N) 1/15/2020 Senate: Agreed to by Senate (28-Y 12-N) 1/16/2020 House: Referred to Committee on Privileges and Elections (HPE) 1/17/2020 House: Reported from HPE (13-Y 9-N)	[1/17/2020]
<p>[Support] (20105431D-S1) - Board has historically supported. See also HJ 1 (Carroll Foy).</p> <p>Summary: Constitution of the United States; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the Constitution of the United States that was proposed by Congress in 1972.</p>		
<u>SJ 32</u> - Bell (13) Electric vehicles; DEQ to study the impact of and develop Clean Transportation Plan, report.	1/6/2020 Senate: Referred to Committee on Rules 1/24/2020 Senate: Passed by indefinitely in Rules with letter by voice vote	[1/17/2020]
<p>[Support with Amendment] (20104293D) - Support with amendment to encourage consideration of the impact on transportation revenue resulting from the increase in use of electric vehicles.</p> <p>Summary: Study; Department of Environmental Quality; Clean Transportation Plan; report. Requests the Department of Environmental Quality to study the impact of electric vehicles and develop a Clean Transportation Plan.</p>		
<u>SJ 57</u> - Lewis, Jr. (6) JLARC; costs of education, report.	1/8/2020 Senate: Referred to Committee on Rules	[1/17/2020]
<p>[Support] (20103928D) - Board has historically supported. Fairfax County's Legislative Program includes support for adequate K-12 education funding.</p> <p>Summary: Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.</p>		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Fairfax County Positions

(Monitor)

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Bills	General Assembly Actions	Date of BOS Position
HB 9 - Bourne (71) Firearms; reporting those lost or stolen, civil penalty.	11/18/2019 House: Referred to Committee on Public Safety 1/24/2020 House: Reported from Public Safety (15-Y 7-N)	[1/24/2020]
<p>[Monitor] (20100298D) - See also SB 67 (McClellan). Summary: Reporting lost or stolen firearms; civil penalty. 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.</p>		
HB 283 – Cole, J. (28) Highway construction and maintenance; time limitations.	12/30/2019 House: Referred to Committee on Transportation 1/23/2020 House: Subcommittee recommends striking from docket (10-Y 0-N)	[1/17/2020]
<p>[Monitor] (20101687D) Summary: Time limitations for highway construction and maintenance. Prohibits construction or maintenance that blocks a lane of travel on a primary or interstate highway between 6:00 a.m. and 6:00 p.m.</p>		
HB 589 - Guzman (31) Community services boards; funding formula, population and need.	1/6/2020 House: Referred to Committee on Health, Welfare and Institutions	[1/24/2020]
<p>[Monitor] (20102117D) Summary: Community services boards; funding formula; population and need. 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.</p>		
HB 642 - LaRock (33) Transportation funding; statewide prioritization process.	1/6/2020 House: Referred to Committee on Transportation	[1/24/2020]
<p>[Monitor] (20104059D) Summary: 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.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 655 - Heretick (79) Solar photovoltaic projects; conditional zoning.	1/6/2020 House: Referred to Committee on Counties, Cities and Towns	[1/24/2020]
<p>[Monitor] (20102659D) - See also SB 870 (Marsden).</p> <p>Summary: Conditional zoning for solar photovoltaic projects. 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.</p>		
HB 983 - Delaney (67) Traffic incident management vehicles; equipped with certain lights.	1/7/2020 House: Referred to Committee on Transportation 1/16/2020 House: Subcommittee recommends reporting (10-Y 0-N) 1/21/2020 House: Reported from Transportation (22-Y 0-N)	[1/17/2020]
<p>[Monitor] (20104763D)</p> <p>Summary: Traffic incident management vehicles. Authorizes traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to be equipped with flashing red or red and white secondary warning lights.</p>		
HB 1137 - Lopez (49) TANF & Va. Initiative for Education & Work; hardship exception.	1/7/2020 House: Referred to Committee on Health, Welfare and Institutions (HHWI) 1/16/2020 House: Subcommittee recommends reporting (6-Y 0-N) 1/21/2020 House: Reported from HHWI (22-Y 0-N)	[1/24/2020]
<p>[Monitor] (20101649D)</p> <p>Summary: Temporary Assistance for Needy Families and Virginia Initiative for Education and Work; hardship exception. 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.</p>		
HB 1312 - Kory (38) Dangerous weapons; prohibits possessing or transporting in local government buildings.	1/8/2020 House: Referred to Committee on Public Safety	[1/24/2020]
<p>[Monitor] (20100166D)</p> <p>Summary: Local government buildings; dangerous weapons; penalty. 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,</p>		

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Bills	General Assembly Actions	Date of BOS Position
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.		
<u>HB 1510</u> - McQuinn (70) Weapons; carrying into building owned or used by the Commonwealth or political subdivision thereof.	1/8/2020 House: Referred to Committee on Public Safety	[1/24/2020]
<p>[Monitor] (20104479D)</p> <p>Summary: Carrying weapon into building owned or used by the Commonwealth or political subdivision thereof; penalty. 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.</p>		
<u>HB 1511</u> - McQuinn (70) Towing fees; raises to \$30 additional fee that can be charged for towing a vehicle at night, etc.	1/8/2020 House: Referred to Committee on Transportation	[1/17/2020]
<p>[Monitor] (20104626D) - See also SB 916 (Marsden).</p> <p>Summary: Towing fees. The bill raises from \$25 to \$30 the additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday. The bill requires localities in Planning District 8 and Planning District 16 to set such additional fee at between \$25 and \$30. Current law requires such localities to set such additional fee at \$25.</p>		
<u>HB 1586</u> - Watts (39) Washington Metropolitan Area Transit Authority; allocation of funds.	1/14/2020 House: Referred to Committee on Appropriations	[1/17/2020]
<p>[Monitor] (20105593D)</p> <p>Summary: Provides that increases in service approved by the Washington Metropolitan Area Transit Authority Board shall not be included in the calculation of the annual increase in total operating expenses included in an approved WMATA budget.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 31</u> - Petersen (34) Eminent domain; costs for petition for distribution of funds, interest rate.	11/18/2019 Senate: Referred to Committee on the Judiciary	[1/17/2020]
<p>[Monitor] (20100604D)</p> <p>Summary: Eminent domain; costs for petition for distribution of funds; interest rate; recordation of certificate. Provides that the costs of filing a petition with the court for the distribution of the funds due pursuant to an eminent domain proceeding shall be taxed against the condemnor. The bill also provides that the interest rate on the funds represented by a certificate of deposit from the date of filing of the certificate until the funds are paid into the court shall not be less than the judgment rate of interest. Finally, the bill reorganizes for clarity the provisions governing what happens upon recordation of a certificate by the Commissioner of Highways in a condemnation proceeding.</p>		
<u>SB 67</u> - McClellan (9) Firearms; reporting those lost or stolen, civil penalty.	11/22/2019 Senate: Referred to Committee on the Judiciary	[1/24/2020]
<p>[Monitor] (20101053D) - See also HB 9 (Bourne).</p> <p>Summary: Reporting lost or stolen firearms; civil penalty. 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.</p>		
<u>SB 310</u> - Stanley, Jr. (20) Public animal shelters; notice to euthanize.	1/5/2020 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources	[1/24/2020]
<p>[Monitor] (20101026D)</p> <p>Summary: 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.</p>		
<u>SB 617</u> - Deeds (25) Absentee voting; voter satellite offices for absentee voting in person.	1/7/2020 Senate: Referred to Committee on Privileges and Elections 1/14/2020 Senate: Reported from Privileges and Elections with amendment (15-Y 0-N) 1/20/2020 Senate: Read third time and passed Senate (40-Y 0-N)	[1/24/2020]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Monitor] (20102713D-E)</p> <p>Summary: 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.</p>		
<p><u>SB 687</u> - Vogel (27)</p> <p>Bicycles; signage and road markings.</p>	<p>1/7/2020 Senate: Referred to Committee on Transportation</p> <p>1/16/2020 Senate: Reported from Transportation with substitute (15-Y 0-N)</p> <p>1/16/2020 Senate: Re-referred to Finance and Appropriations</p> <p>1/22/2020 Senate: Reported from Finance and Appropriations with amendment (16-Y 0-N)</p>	<p>[1/24/2020]</p>
<p>[Monitor] (20105989D-S1)</p> <p>Summary: 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.</p>		
<p><u>SB 826</u> - McDougle (4)</p> <p>Water and sewer service charges; tenant or lessee.</p>	<p>1/8/2020 Senate: Referred to Committee on Local Government</p> <p>1/20/2020 Senate: Reported from Local Government with amendment (14-Y 1-N)</p> <p>1/23/2020 Senate: Read third time and passed Senate (38-Y 2-N)</p>	<p>[1/24/2020]</p>
<p>[Monitor] (20103958D-E)</p> <p>Summary: 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.</p>		
<p><u>SB 870</u> - Marsden (37)</p> <p>Solar photovoltaic projects; conditional zoning.</p>	<p>1/8/2020 Senate: Referred to Committee on Local Government</p>	<p>[1/24/2020]</p>
<p>[Monitor] (20102704D) - See also HB 655 (Heretick).</p> <p>Summary: Conditional zoning for solar photovoltaic projects. 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.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 916</u> - Marsden (37) Towing fees; raises to \$30 additional fee that can be charged for towing a vehicle at night, etc.	1/8/2020 Senate: Referred to Committee on Transportation 1/23/2020 Senate: Reported from Transportation (11-Y 2-N)	[1/17/2020]
<p>[Monitor] (20104641D) - See also HB 1511 (McQuinn).</p> <p>Summary: Towing fees. The bill raises from \$25 to \$30 the additional fee that can be charged for towing a vehicle at night, on weekends, or on a holiday. The bill requires localities in Planning District 8 and Planning District 16 to set such additional fee at between \$25 and \$30. Current law requires such localities to set such additional fee at \$25.</p>		

Fairfax County Positions

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Legislation No Longer Under Consideration

*(Failed to Report, Incorporated into other
Legislation, Tabled, etc.)*

Bills	General Assembly Actions	Date of BOS Position
SB 117 - Favola (31) Family day homes; licensure threshold.	12/15/2019 Senate: Referred to Committee on Rehabilitation and Social Services 1/17/2020 Stricken at request of Patron in Rehabilitation and Social Services (12-Y 0-N)	[1/17/2020]
<p>[Amend] (20102365D) - Amend to allow Fairfax County to maintain its current local permitting program. See also HB 1214 (Simonds).</p> <p>Summary: Reduces from five to three the number of children for whom a family day home must obtain a license to provide child care services.</p>		
SB 644 - Boysko (33) Traffic incident management vehicles; exempt from certain regulations.	1/7/2020 Senate: Referred to Committee on Transportation 1/23/2020 Senate: Failed to report (defeated) in Transportation (6-Y 9-N)	[1/17/2020]
<p>[Monitor] (20102092D)</p> <p>Summary: Traffic incident management vehicles. Adds traffic incident management vehicles, defined in the bill, operated by persons who meet certain training requirements to a list of vehicles exempt from certain traffic regulations at or en route to the scene of a traffic accident or similar incident. The bill also allows such vehicles to be equipped with sirens and flashing red or red and white secondary warning lights.</p>		

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
DURING THE 2020 GENERAL ASSEMBLY SESSION
as of January 15, 2020**

**Estimated Impact to Fairfax County - Increase/Decrease Over Prior
Fiscal Year (\$ million)**

	Governor's Budget	
Direct County Impact	FY 2021	FY 2022
Provide targeted salary adjustments for specific positions reimbursed by the Compensation Board.	TBD	TBD
TOTAL DIRECT COUNTY IMPACT	\$0.00	\$0.00
TOTAL OVER THE BIENNIUM	\$0.00	

<p>Impact to the Fairfax County Public Schools' (FCPS) FY 2021 Operating Fund Budget</p> <p>Governor Northam's Budget: Compared to FCPS' FY 2020 Approved Budget, Governor Northam's budget includes \$61.7 million more in state aid and \$7.5 million more in sales tax revenue for FY 2021.</p> <p>The impact of Governor Northam's Budget is reflected in the FCPS FY 2021 Proposed Budget released on January 9, 2020.</p>

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
DURING THE 2020 GENERAL ASSEMBLY SESSION
as of January 15, 2020**

Budget Bill Item #	Issue	Fairfax County Impact
Compensation		
<u>State-Supported Employee Compensation</u>		
477	Governor Northam's Budget: No across-the-board salary adjustment is included for Constitutional officers and state-supported local employees. Targeted salary increases for specific positions are included.	No increase for Fairfax County.
68	Governor Northam's Budget: Provides \$5.6 million to fund salary increases for regional jail officers consistent with those received by deputy sheriffs to equalize the pay grade for all entry level correctional officers in local and regional jails.	The Sheriff's Office believes there is no fiscal impact as they are not a regional jail.
71, 74	Governor Northam's Budget: Provides \$2.0 million to fund targeted salary increases for Commissioners of Revenue and \$2.6 million for local Treasurers.	The County would realize a potential increase for the Compensation Board reimbursement. TBD.
73	Governor Northam's Budget: Provides \$3.8 million to adjust salaries of circuit court clerks to address pay equity with those of the district court clerk positions.	Applies to entry level positions. As a result, the County would realize a potential increase for the Compensation Board reimbursement. TBD.
87	Governor Northam's Budget: Provides \$5.0 million to fund the reimbursement of general registrar and electoral board salaries to localities.	Currently the state reimburses the County approximately 65% of the electoral board stipend and the general registrar's state mandated salary, but not the County supplement. This proposal would require 100% reimbursement of the mandated salary/stipends. Results in estimated additional funding of \$41,000.
Public Safety		
408	<u>State Aid to Localities with Police Departments (HB 599)</u>	
	Governor Northam's Budget: No increase is included over the biennium for state support for local police departments. Statutory policy requires that HB 599 funding increase at the rate of GF revenue growth.	No increase for Fairfax County for the new biennium. In FY 2020, the County received \$26.4 million.
<u>Gun Violence Intervention and Prevention</u>		
406	Governor Northam's Budget: Includes \$2.6 million in FY 2021 and \$0.2 million in FY 2022 and two positions in each year to make competitive grants to five localities to support evidence-based gun violence intervention and prevention initiatives.	TBD.
<u>Firearms</u>		
402, 425	Governor Northam's Budget: Includes \$8 million to implement the Governor's proposed firearm legislation, which includes: allowing the removal of firearms from persons who pose a substantial risk to themselves or others; prohibiting the sale, possession, and transport of assault firearms, trigger activators, and silencers; increasing the penalty for allowing a child to access unsecured firearms; prohibiting possession of firearms for persons subject to final orders of protection; and, requiring background checks for all firearms sales.	TBD. The County's Legislative Program includes support for many of these proposals.
<u>Victims of Crime Act Grant Funding</u>		
406	Governor Northam's Budget: Provides \$17.3 million NGF in FY 2021 and \$21.3 million NGF in FY 2022 for the Victims of Crime Act (VOCA) program, which funds support grants to local programs that provide services to victims of domestic abuse, sexual assault, victim witness program, and child abuse.	The County currently receives grant funding for this program and could apply and potentially get more from the increase included in the Governor's budget.
Revenue		
<u>Cigarette Tax</u>		
3-5.21	Governor Northam's Budget: Increases the state Cigarette Tax rate from \$0.30 to \$0.60 per pack and a tax on other tobacco products of 20% of the manufacturer's sales price, effective July 1, 2020.	Fairfax and Arlington Counties are the only two counties in Virginia authorized to levy a Cigarette Tax, capped at the state rate. This proposal to increase the state rate would allow Fairfax County to increase its rate, which would generate \$5.4 million for Fairfax County's General Fund.

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
DURING THE 2020 GENERAL ASSEMBLY SESSION
as of January 15, 2020**

Budget Bill Item #	Issue	Fairfax County Impact
Judicial		
48	Governor Northam's Budget: Provides \$9.5 million to support 59 additional public defenders to address high caseload demands in offices across the Commonwealth.	The Chief Public Defender believes they may receive two Public Defender I and two Public Defender II positions. The County funds the salary supplement, which totals approximately \$38,000 for the four positions.
42	Governor Northam's Budget: Provides \$5.6 million to support 60 additional district court clerk positions to address workload demands in courts.	It is not clear how these positions will be allocated throughout the state. According to the District Court Staffing Model developed by the Office of the Executive Secretary of the Supreme Court, the Fairfax County General District Court needs more than 21 additional positions and the Fairfax County Juvenile and Domestic Relations Court needs more than 9 additional positions.
42	Governor Northam's Budget: Provides \$0.3 million to support one new general district court judgeship and one clerk support staff for the 19th Judicial District (Fairfax County).	Positive. The County's Legislative Program includes support for authorizing and funding this 12th judgeship. The General Assembly would also need to authorize this 12th judgeship in separate legislation.
42	Governor Northam's Budget: Provides \$4.5 million for the Criminal Fund to fund the anticipated cost increases associated with providing constitutionally mandated legal defense for indigent persons accused of crimes in General District Courts.	TBD.
43	Governor Northam's Budget: Provides \$4.5 million for the Criminal Fund to fund the anticipated cost increases associated with providing constitutionally mandated legal defense for indigent persons accused of crimes in Juvenile and Domestic Relations District Courts.	TBD.
72	Governor Northam's Budget: Provides \$2.8 million to fund additional Assistant Commonwealth's Attorneys and support staff positions. This amendment provides 29 positions to address workload demands across various offices in the Commonwealth.	TBD.
Other Items of Interest		
<u>Water Quality Improvement Fund (WQIF)</u>		
373.B&C	Governor Northam's Budget: Directs \$47.0 million for the mandatory deposit to the WQIF associated with the FY 2019 year-end surplus; provides an additional supplemental deposit of \$41.8 million for WQIF in FY 2022.	Likely positive. Fairfax County has used WQIF for projects in the past, and likely will have future projects that qualify for WQIF funding.
<u>Stormwater Local Assistance Fund (SLAF)</u>		
C-70	Governor Northam's Budget: Provides \$182 million in bond proceeds in FY 2021 for SLAF capital projects.	The County's Legislative Program includes support for SLAF, and the County has received SLAF funding for a number of projects.
<u>Virginia Telecommunication Initiative</u>		
114.L	Governor Northam's Budget: Provides \$35 million in each year of the biennium for the Virginia Telecommunication Initiative.	TBD.
<u>Virginia Housing Trust Fund</u>		
113	Governor Northam's Budget: Provides an additional \$7 million (for a total of \$14 million) in FY 2020 (in the Caboose), a total of \$30 million in FY 2021 and \$40 million in FY 2022 to support the Housing Trust Fund.	The County's Legislative Program includes support for additional appropriations to the Virginia Housing Trust Fund.
<u>Elections</u>		
86	Governor Northam's Budget: Provides \$0.4 million to enhance election official training certification program for local election officials across the Commonwealth.	Likely positive, as the County's Legislative Program includes support for state funding for election administration (including training for local electoral board members, registrars, and elections officials), although it is unclear how funds will be distributed to localities throughout the state.
475.T	Governor Northam's Budget: Provides \$5.9 million in FY 2020 to cover costs associated with the 2020 presidential primary (Caboose Bill). Of this amount, up to \$5.7 million may be used to reimburse localities for their presidential primary expenditures.	Likely positive, as the County's Legislative Program includes support for state funding for election administration.

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
DURING THE 2020 GENERAL ASSEMBLY SESSION
as of January 15, 2020**

Budget Bill Item #	Issue	Fairfax County Impact
	<u>Other Items of Interest</u>	
465	Governor Northam's Budget: Provides \$5 million in FY 2021 for the construction of the Virginia Veteran's Parade Field at the National Museum of the United States Army in Fairfax County.	The County provides annual support for the museum through the County's Contributory Fund.
C-67	Governor Northam's Budget: Includes bond proceeds for the Regional Science Center in Northern Virginia (formerly known as the Children's Science Center).	Fairfax County has supported funding for the Children's Science Center in previous years (in 2018, the Board of Supervisors sent a budget letter to the Governor which included a request for funding for this initiative).

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
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Budget Bill Item #	Issue	Fairfax County Impact
Human Services		
Medicaid Expansion		
313, 359	Governor Northam's Budget: Removes \$21.4 million NGF in each year and adjusts language to restructure the Medicaid expansion waiver (COMPASS 1115) to remove the previously envisioned work requirement (which was part of the compromise that led to the passage of Medicaid expansion by the 2018 GA) and include only a targeted supportive employment and housing benefit.	Likely positive, as there was significant uncertainty regarding how the COMPASS 1115 waiver would impact Medicaid customers and how the work requirement would be administered. Additional details on the supportive employment and housing benefits are needed.
320	Governor Northam's Budget: Removes language that had been included in the 2018-2020 biennium budget to address the impact of Medicaid expansion on the community services boards (CSBs), resulting from projected savings in the budget being greater than the new revenue that was generated, creating a revenue shortfall for CSBs.	As part of Medicaid expansion, the Department of Behavioral Health and Developmental Services (DBHDS) planned to reduce state funding to all CSBs; the reduction for the Fairfax-Falls Church CSB was \$1.69 million (\$11 million statewide) in FY 2019 and \$4.36 million (\$25 million statewide) in FY 2020, based on the assumption that the CSB would receive increased revenue as a result of newly eligible Medicaid participants. Though the Fairfax-Falls Church CSB signed up more than 1,060 newly eligible individuals for Medicaid, the reduction still exceeded the amount of revenue generated, resulting in DBHDS in FY 2020 providing a one-time payment of \$1 million for the FY 2019 reduction to the Fairfax-Falls Church CSB. FY 2020 data for the Fairfax-Falls Church CSB indicates that revenue generated will also be less than the \$4.36 million reduction. The 2020-2022 biennium budget does not address this issue.
Medicaid Waivers		
313	Governor Northam's Budget: Provides \$17 million GF and matching NGF in FY 2021 and \$24.8 million GF and matching NGF in FY 2022 to add a total of 1,135 new waiver slots to the Community Living (CL) and Family and Individual Supports (FIS) waivers over the course of the biennium. These slots include: 835 slots to address the FIS waiver waitlist (635 in the first year and 200 in the second year); 200 slots to address the CL waiver waitlist (125 in the first year and 75 in the second year); 50 slots for individuals transitioning out of facilities (25 in each year); and, 50 emergency slots (25 in each year).	This is a significant step to address the statewide waiver waitlist (12,739 individuals as of November 2019, including 2,457 individuals served by the Fairfax-Falls Church CSB (19 percent of the statewide waitlist)), but it is not clear how these waivers will be allocated throughout the state.
313	Governor Northam's Budget: Provides \$3.6 million GF and matching NGF in FY 2021 and \$3.7 million GF and matching NGF in FY 2022 to increase provider payment rates for services delivered through Developmental Disability (DD) waivers. The rate increase will apply to the following services: Independent Living Supports, Supported Living, In-home Support Services, Group Supported Employment, Workplace Assistance, Community Engagement, Community Coaching, and Therapeutic Consultation. Also requires the Department of Medical Assistance Services (DMAS) to report on the rate increases for each service and whether the cost of each service is consistent with the additional funding provided.	While this is a step in the right direction, this funding is lower than the amount needed according to analysis done by a consultant hired by DBHDS, and does not include funding to increase reimbursement rates for all services. Additionally, it appears that this does not include a Northern Virginia differential, which is critical for ensuring rates are sufficient to pay for services in Northern Virginia.
Medicaid		
312	Governor Northam's Budget: Adjusts funding for the Family Access to Medical Insurance Security (FAMIS) program (Virginia's health insurance program for children) by removing approximately \$9.4 million NGF and adding approximately \$34 million GF in FY 2021, and removing \$6.8 million NGF and adding \$46.2 million GF in FY 2022. Also adjusts funding for the Commonwealth's Medicaid Children's Health Insurance Program (also known as FAMIS Plus) by removing approximately \$13.5 million NGF and adding \$27.6 million GF in FY 2021, and removing approximately \$7.4 million NGF and adding \$40.8 million GF in FY 2022. This includes the loss of enhanced federal matching dollars, as the match rate for CHIP programs decreased from 76.5 percent to 65 percent in federal FY 2021. In addition to replacing lost federal revenue, costs are being driven by continued enrollment growth and higher managed care rates.	These are required increases due to higher costs and utilization.

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Budget Bill Item #	Issue	Fairfax County Impact
313	Governor Northam's Budget: Increases funding for Medicaid utilization and inflation (as estimated in the most recent expenditure forecast) by \$174.4 million GF and \$744.3 million NGF in FY 2021 and \$500.5 million GF and \$1.4 billion NGF in FY 2022.	These are required increases due to higher costs and utilization, though it is important to note that the actual Medicaid costs for FY 2020 came in lower than projected, resulting in a savings of \$212 million GF reflected in the caboose budget for FY 2018-2020.
313	Governor Northam's Budget: Provides \$1.7 million GF and \$6.5 million NGF in FY 2021 and \$3.3 million GF and \$9.5 million NGF in FY 2022 to eliminate the 40 quarter work requirement for lawful permanent aliens who have resided in the United States for five years. Virginia is one of only six states that requires legal aliens to meet the 40 quarter (10 year) work requirement in order to be eligible for Medicaid.	This will expand Medicaid eligibility to lawful permanent residents who have resided in the U.S. for five years (currently these individuals are only eligible for emergency services coverage). This will also align Medicaid policy with SNAP and TANF, making it easier to determine eligibility. It is unclear at present if the funding provided would cover the administrative impact of this newly eligible population.
313	Governor Northam's Budget: Provides \$347,803 GF in FY 2021 and \$465,440 GF in FY 2022 (matched with \$11.4 million and \$16.4 million NGF in FY 2021 and FY 2022, respectively) for care coordination for Medicaid-eligible individuals 30 days prior to release from incarceration.	This funding would be directed to managed care organizations and DMAS, which would use a portion of the funding for computer system upgrades. It appears at present that none of this funding would be allocated to local jails for the staff required to assist with the provision of care coordination services, raising resource concerns for the Fairfax County Adult Detention Center.
<u>Children's Services Act (CSA)</u>		
292	Governor Northam's Budget: Provides \$18.1 million GF in FY 2021 and \$25.9 million NGF in FY 2022 to fund projected growth of approximately 2 percent in each year, assuming 7.4 percent growth expected in FY 2020 as a result of significant growth in private day expenditures. Other areas of growth are Therapeutic Foster Care and Community-based Services.	Because CSA is a sum sufficient program, this projected increase in program growth will require additional local funding. The Fairfax County Department of Family Services projects that there will be room within the current Board appropriated expenditures to cover the local funding required for the projected increase in the Governor's budget in FY 2021 and FY 2022, assuming there are no new initiatives that would significantly expand the population served.
292	Governor Northam's Budget: Provides an additional \$175,000 GF in FY 2021 and \$75,000 GF in FY 2022 for a contracted rate study for private day services provided through the Children's Services Act. Language is also included that requires providers to make available any information necessary for the completion of the study.	The initial results from the study were inconclusive due to the low participation of providers, who had concerns about how the study was conducted. This proposal appears to require providers to participate in the next phase of the study, which may lead to continued tension between the state and the provider community.
<u>Early Childhood Services</u>		
351	Governor Northam's Budget: Transfers administration of the federal Child Care Development Fund grant from the Department of Social Services to the Department of Education as part of Governor Northam's proposal to consolidate early childhood services in the Department of Education.	Likely positive, as this would provide a more integrated, effective and streamlined early childhood system in the Commonwealth.
145	Governor Northam's Budget: Includes \$94.7 million to maximize pre-kindergarten access for at-risk three- and four-year-old children, to attract and retain early childhood educators in hard-to-serve preschool classrooms, and to increase pre-kindergarten classroom observations and teacher professional development.	This proposed funding includes \$28.7 million to increase the VPI per pupil amount by 10% each year (FY 2021 and 2022). Based upon current County VPI service levels, the County would draw down an additional \$1.2 million in state funding over two years. The proposed funding also includes: \$10 million to incentivize mixed delivery and public private partnerships in VPI for which the County could apply; \$13.5 million to increase class sizes in VPI classrooms, for which the County/FCPS could apply; \$9 million to pilot expansion of VPI to serve three year olds for which the County/FCPS could apply; and, \$17 million to expand the Virginia Early Childhood Foundation Mixed-Delivery Grant program to expand services to three year olds, for which the County could apply. The proposed funding also includes \$7.3 million to reduce VPI waiting lists, \$1.3 million to implement a Uniform Rating System, and \$8 million to support the early childhood workforce.

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Budget Bill Item #	Issue	Fairfax County Impact
Child Welfare		
354	Governor Northam's Budget: Provides \$722,000 GF and \$4.1 million NGF in each year to fund the child welfare forecast.	This adjustment is based on recent expenditure trends and policy changes.
354	Governor Northam's Budget: Provides approximately \$2.3 million GF and \$1.8 million NGF in each year to fund a five percent cost of living adjustment for foster care and adoption payments. Current budget language requires an automatic adjustment for inflation to be applied to the maximum room and board rates paid to foster parents in the fiscal year following a state employee pay raise. Because state employees received up to a five percent raise in July 2019, this addendum provides a similar percentage increase to foster care rates. This increase is also assumed for adoption subsidy funding, to ensure that adoption subsidies keep pace with foster family rates and to avoid any disincentives for adoption.	Likely positive for foster and adoptive parents.
354	Governor Northam's Budget: Provides \$8.6 million NGF in each year to fund an increase in relative support payments for relatives caring for children outside the foster care system.	Likely positive for kinship caregivers.
354	Governor Northam's Budget: Provides \$8.4 million GF and matching NGF in each year for evidence-based and trauma-informed mental health, substance use disorder, and in-home parent skill based training services for children at imminent risk of entering foster care (and their families). The reimbursable services are included in the federal title IV-E Prevention Services Clearinghouse.	TBD. It is unclear how this funding will be distributed throughout the state.
351, 349	Governor Northam's Budget: Provides \$24.9 million GF and \$7.9 million NGF in each year for local departments of social services to begin hiring staff and creating prevention services departments in response to the federal Family First Prevention Services Act (FFPSA). Also provides \$1.1 million GF and matching NGF and two positions in each year to implement evidence-based programming, and \$801,000 GF and matching NGF in FY 2021 and \$765,000 GF and matching NGF in FY 2022 to create an evidence-based practices evaluation team as required by FFPSA.	TBD. It is unclear how this funding will be distributed throughout the state. To implement the Families First requirements, it may be necessary to shift workforce resources within the Fairfax County Department of Family Services.
Substance Use Disorder		
299	Governor Northam's Budget: Provides \$1.6 million GF in each year to expand the distribution of NARCAN and personal protection equipment to Virginia's most at-risk populations, related to the opioid epidemic, through local health departments and CSBs.	Likely positive, though it is unclear how this funding will be distributed throughout the state. It will be important to ensure that the Fairfax County Health Department receives some of this funding, as it is one of two locally administered health departments in the state. The County's Legislative Program includes support for additional funding to address the opioid crisis, and distributing NARCAN in the Fairfax County community is a critical component of the County's efforts to combat the opioid crisis.
315	Governor Northam's Budget: Provides \$421,000 GF and \$620,000 NGF in FY 2021 and \$1.3 million GF and \$1.9 million NGF in FY 2022 to expand the Preferred Office-Based Opioid Treatment (OBOT) model to allow for all Substance Use Disorders (SUD) covered in the Addiction and Recovery Treatment Services (ARTS) benefit. The Preferred OBOT is a community-based, high-touch, evidence-based model of care for individuals with addiction. Virginia Medicaid currently limits service reimbursement in the Preferred OBOT to individuals with Opioid Use Disorder (OUD). Those with a primary diagnosis of SUD for non-opioids (such as alcohol, cocaine, or methamphetamine) are not currently covered in the Preferred OBOT model.	Likely positive, though it is unclear how this funding will be distributed throughout the state. Expanding eligibility to other substance use disorders will help address the rise in fatal non-opioid overdoses in recent years.
301	Governor Northam's Budget: Provides an additional \$3.1 million GF in each year to support nicotine cessation counseling through an evidence-based "quitline" program known as Quit Now Virginia (QNV). The emphasis will be on supporting nicotine cessation for Virginia Medicaid clients with a goal of helping to reduce Medicaid costs from smoking and tobacco related illnesses for both children and adults.	Likely positive, though it is unclear at present if this program aims to address vaping as well as traditional tobacco cessation.

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Budget Bill Item #	Issue	Fairfax County Impact
<u>Health Departments</u>		
302	Governor Northam's Budget: Provides \$7 million GF in FY 2021 and \$8.3 million GF in FY 2022 to develop an electronic health records system.	TBD.
<u>Mental and Behavioral Health</u>		
307 G1	Governor Northam's Budget: This language-only amendment mandates that inpatient hospitals report the admission source of any individuals meeting the criteria for voluntary or involuntary psychiatric commitment to the Board of Health, which is required to share this data with DBHDS.	This will not have a direct impact on CSBs, but this information could be helpful in addressing the state hospital bed crisis.
313, 317	Governor Northam's Budget: Provides \$32.5 million NGF in each year to increase the provider rate assessment charged to private acute care hospitals to support increased temporary detention order (TDO) utilization in private acute care hospitals. In addition, DMAS and DBHDS are each provided funding to support a position that will administer this initiative.	TBD. It is unclear if this funding will encourage private hospitals to accept more CSB clients - if it does, that could be very helpful in addressing the state hospital bed crisis.
321	Governor Northam's Budget: Provides \$7.5 million GF in FY 2021 and \$12.5 million NGF in FY 2022 to address census issues at state facilities by increasing the availability of community-based services for individuals deemed clinically ready for discharge. Of the amount provided, \$2.5 million each year is available for the acquisition or development of clinically appropriate housing options.	TBD. It is not clear how this funding will be distributed throughout the state.
321	Governor Northam's Budget: Provides \$6.3 million GF in FY 2021 and \$8.4 million GF in FY 2022 for acute inpatient behavioral health services for children and adults.	TBD. Additional services throughout the state are needed for youth, as there is only one state psychiatric hospital for children. It is not clear how this funding will be allocated throughout the state.
313	Governor Northam's Budget: Provides \$3 million GF and \$4.1 million NGF in FY 2021 and \$10.2 million GF and \$14.1 million NGF in FY 2022 and authority to enhance behavioral health services by changing service definitions, prior authorization and utilization review criteria, provider qualifications, and reimbursement rates for select Medicaid services.	TBD. This is part of the state's behavioral health system transformation.
313, 320, 322	Governor Northam's Budget: Provides \$19.7 million GF in FY 2021 and \$30.2 million GF in FY 2022 in funding for outpatient services, veterans services, peer support services, and mobile crisis teams as part of STEP-VA. The budget also states that the targeted case management, care coordination, and psychiatric rehabilitation services previously required to be implemented by July 1, 2021 may be provided subject to available funding. Provides \$1.7 million GF and \$5 million NGF in FY 2021 and \$2.2 million GF in FY 2022 for 12 positions to aid in the implementation and management of STEP-VA, training and certification of peer support services, and the development and maintenance of a statewide crisis hotline. Also provides \$487,000 GF and matching NGF in FY 2021 and \$2.3 million GF and matching NGF in FY 2022 for Medicaid costs associated with the implementation of STEP-VA.	This likely will not be sufficient for statewide implementation of STEP-VA, even with the proposed change in services required by July 1, 2021. Also, it is unclear how this funding will be allocated throughout the state. The Fairfax-Falls Church CSB estimates that it will cost \$20.5 million to implement the services required by July 1, 2021 (including the services that were required to be implemented by July 1, 2019). Additionally, it is unclear why DBHDS needs 12 FTE for STEP-VA implementation and management.
322	Governor Northam's Budget: Provides \$2.9 million GF in FY 2021 and \$5.6 million GF in FY 2022 to increase permanent supportive housing capacity for individuals being discharged from state behavioral health facilities.	The County's Legislative Program supports increased funding for permanent supportive housing, allocated based on the size of the population served. It is not clear how this funding will be distributed throughout the state, or if the funding takes into account the Fair Market Rent values (typically higher in Fairfax than other parts of the state). It also is not clear if this item provides funding for necessary intensive community support services for newly housed individuals.
320, 322	Governor Northam's Budget: Provides an additional \$3.8 million NGF in FY 2021 and \$5 million GF in FY 2022 for 350 new State Rental Assistance Program slots for individuals with intellectual and developmental disabilities. In the first year, the costs of the subsidies are paid using balances from the sale of training centers in the Behavioral Health and Developmental Services Trust Fund. Also provides funding for a housing coordinator position to manage this program.	The County's legislative program supports enhancing the State Rental Assistance Program, but it is unclear how these slots will be distributed throughout the state. Also, funding for necessary intensive community support services for newly housed individuals will be critical. The allocation of GF dollars in FY 2022 alleviates concerns about the use of one-time dollars to fund recurring costs in FY 2021.
321	Governor Northam's Budget: Provides \$4.2 million GF and 14 positions in each year for the Virginia Mental Health Access Program, an integrated care program that increases access for children and adolescents to behavioral health services.	Likely positive, though it is unclear how the 14 positions will be dispersed throughout the state. The County has been supportive of this concept in the past.

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Budget Bill Item #	Issue	Fairfax County Impact
313	Governor Northam's Budget: Provides \$2.4 million GF and \$4.4 million NGF in FY 2021 and \$2.6 million GF and \$4.5 million NGF in FY 2022 to increase mental health provider rates for psychiatric services by 14.7 percent.	While this increase is a step in the right direction, the provider rate for psychiatric services needs to be increased by 21 percent to cover the cost of care in Northern Virginia.
322	Governor Northam's Budget: Provides an additional \$1.4 million GF in FY 2021 and \$2.1 million GF in FY 2022 to provide forensic discharge planning for individuals with serious mental illness at three additional jails, bringing the total number to five.	TBD. The three additional jails that will receive this funding have not been identified yet.
<u>Part C/Early Intervention</u>		
322	Governor Northam's Budget: Provides \$42.5 million GF in FY 2021 and \$3.9 million GF in FY 2022 to address continued growth in the number of children served in the state's Part C/Early Intervention programs.	These are required increases due to higher costs and utilization (Part C is a mandated service). The additional funding will increase program capacity.
<u>Maternal Health</u>		
312	Governor Northam's Budget: Provides approximately \$1 million GF and \$2 million NGF in FY 2021 and \$2 million GF and \$3.9 million NGF in FY 2022 to extend postpartum coverage for FAMIS MOMS from 60 days to 12 months. Currently, women up to 205 percent of the federal poverty level are eligible for coverage during their pregnancy and up to 60 days postpartum from the delivery date on file.	Positive. The expanded health coverage for mothers would help them receive treatment for postpartum depression, other health issues, and family planning services. DFS anticipates minimal administrative impact, as the agency already manages/maintains ongoing coverage for newborns born to a 'FAMIS MOM' for a minimum of 12 months.
312	Governor Northam's Budget: Provides \$1 million GF and \$3.5 million NGF in FY 2021 and \$11.8 million GF and \$34 million NGF in FY 2022 to implement a home visiting benefit for pregnant and post-partum women at risk of poor health outcomes effective July 1, 2021.	TBD. It is unclear if there will be Medicaid reimbursement for a home visiting service like Fairfax County's Healthy Families program.
<u>Department of Justice (DOJ) Settlement/DBHDS Trust Fund</u>		
320	Governor Northam's Budget: Provides \$4.1 million GF and \$3.6 million NGF in FY 2021 and \$4.2 million GF and \$1.6 million NGF in FY 2022 for additional administrative costs of complying with the DOJ Settlement Agreement, including funds for an additional 28 licensing and quality assurance staff and assessments for individuals receiving DD waivers.	DBHDS will use this funding to hire staff to monitor private providers' and CSBs' compliance with the DOJ Settlement, though redirecting this funding to waivers could be more effective in providing quality care for individuals receiving DD waivers and on the DD waiver waiting list.
321	Governor Northam's Budget: Appropriates \$3 million NGF, anticipated to be deposited by the end of FY 2020 into the Behavioral Health and Developmental Services Trust Fund, in FY 2021 for renovations to Hiram Davis Medical Center (in Dinwiddie), mobile dentistry, and one-time crisis services.	TBD. Some of this money may be from the sale of the Northern Virginia Training Center.
<u>Department of Social Services</u>		
351	Governor Northam's Budget: Provides \$9 million GF and \$9.1 million NGF in each year to increase local salary minimums to address turnover rates in local departments of social services and adds a three percent compression increase.	<p>Because the salary minimums for Fairfax County's Department of Family Services (DFS) state-supported local employees are above the state's pay plan levels, the County would not receive additional funding to increase local salary minimums.</p> <p>For the three percent compression increase, the Virginia Department of Social Services anticipates that it would take place in 2020, if approved, and has advised that Fairfax County DFS would receive \$2.24 million in state funding in FY 2021. A local match of \$410,000 would be required.</p> <p>If a performance and market rate adjustment is approved by the Board of Supervisors in FY 2021, this state funding could help offset the increase.</p>

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Budget Bill Item #	Issue	Fairfax County Impact
	<u>Safety Net Programs</u>	
350	Governor Northam's Budget: Reduces funding for Temporary Assistance for Needy Families (TANF) benefits by \$5.8 million NGF in both years to account for a reduction in the cost of providing mandated TANF benefits. Also reduces funding for the TANF Unemployed Parents (UP) program by \$3.5 million GF in each year based on a revised projection of costs.	Likely no impact. The state currently has a TANF surplus, but it will be important to monitor TANF expenditures if other budget items are passed to ensure appropriate funding levels. The TANF caseload in Fairfax County has decreased over the last several years.
349	Governor Northam's Budget: Provides \$7.7 million NGF in FY 2021 and \$5 million NGF in FY 2022 to create a summer food program pilot using TANF funding. The pilot will provide \$50 on a family's EBT card each month during the summer for meals purchases.	Positive. This would provide additional benefits during the summer for existing customers.
350	Governor Northam's Budget: Provides \$30,742 GF and \$668,000 NGF in each year to eliminate the TANF Family cap restriction.	Positive. TANF benefit amounts are based on household size, and currently children born to parents receiving TANF for 10 consecutive months are not included in the household size. Removing the Family Cap provision would provide additional assistance to eligible families as their household sizes and needs grow.
350	Governor Northam's Budget: Provides \$367,876 GF and \$3.3 million NGF in each year to increase TANF benefits by five percent, effective July 1, 2020. This also funds the same increase for TANF UP recipients.	Positive. Fairfax County's Human Services Issue Paper includes support for increasing TANF rates, which remain at or below 27 percent of the Federal Poverty Level for all family household sizes.
353	Governor Northam's Budget: Uses existing program balances to increase the auxiliary grants (AG) by \$80 beginning July 1, 2020. This action, when coupled with the required \$12 SSI increase that will occur January 1, 2019, will raise the current grant rate by \$92 or approximately seven percent.	Fairfax County currently serves 180 individuals who receive AG. This budget adjustment allows AG to keep pace with the Assisted Living Facilities' annual rate increase, therefore keeping clients throughout the state eligible for the program. The federal government provides 80 percent of the funding for the program, and the state provides the remaining 20 percent.
356	Governor Northam's Budget: Provides \$700,000 NGF in each year to United Community to provide wrap-around services for low-income families.	This funding would be provided directly to United Community, a non-profit with which the County partners to serve low-income families in the Lee and Mount Vernon Districts of Fairfax County. United Community programs and services include community centers; early learning centers; community school program; programs geared toward food, rental, employment and medical assistance; and, a thrift store that reinvests all proceeds back into the community.
350	Governor Northam's Budget: Adds language directing DSS to study the resource cliff faced by families receiving public assistance when income increases enough to reduce or terminate the family's eligibility for public assistance.	Likely positive, though more information is needed on how the study would be conducted and potential administrative impacts on localities.
	<u>Other</u>	
313	Governor Northam's Budget: Restores approximately \$1.7 million GF each year for the Virginia Foundation for Healthy Youth, which provides grants for obesity and tobacco prevention.	TBD. Fairfax County has received grants from the Virginia Foundation for Healthy Youth in previous years. It is unclear at present how the Foundation would utilize this increased funding.

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Budget Item #	Issue	Fairfax County Impact
	Public Education	Fairfax County Public Schools (FCPS) Impact (School Operating Fund)
	Direct Aid to Public Education	
	<u>Recalculation of Local Composite Index for 2020-2022</u>	
145 A.4	Governor Northam's Budget: The Local Composite Index (LCI) is calculated every two years for the state's biennium budget. Counties and cities with a lower LCI receive more state funding, while those with a higher LCI receive less funding.	FCPS' LCI decreased from 0.6754 to 0.6541 for the new biennium. The impact for FCPS cannot be delineated at this time. However, total net impact has been included, primarily in SOQ accounts.
	<u>Update Costs of the Standards of Quality (SOQ), Sales Tax and Basic Aid</u>	
145 C.25 for Sales Tax	Governor Northam's Budget: Provides a total of \$808.5 million over the biennium to fully fund the biennial rebenchmarking of K-12 SOQ costs. These increases do not reflect changes in policy but adjust the cost of continuing current programs with the required data revisions.	The impact of rebenchmarking can not be delineated at this time. The funding is included in overall SOQ accounts. Sales tax results in additional funding of \$0.3 million as compared to the FY 2021 budget forecast presented on November 26, 2019, and \$7.5 million as compared to the FY 2020 Approved Budget.
145, 477 H	<u>Update Employer Contribution Rates for the Virginia Retirement System (VRS)</u>	
	Governor Northam's Budget: Proposes higher employer contribution rates for retirement benefits.	Results in additional funding of \$8.2 million in FY 2021 as compared to the FY 2021 budget forecast presented on November 26, 2019. The \$8.2 million includes \$8.0 million for VRS and \$0.2 million for group life. FCPS expenditures for the projected rate increases were included in the FY 2021 budget forecast presented on November 26, 2019. The impact of the VRS contribution rate changes will require an additional \$15.6 million as was included in the November forecast.
	<u>Update Lottery Proceeds</u>	
145 B.22, 145 C.36	Governor Northam's Budget: Provides updated lower estimates for lottery revenue over the biennium. This revenue stream is being used to fund the state share of the cost of various programs, including the Supplemental Lottery Per Pupil Amount.	Results in a decrease of \$1.8 million in FY 2021 as compared to the FY 2021 budget forecast presented on November 26, 2019.
	<u>Salary Increase in FY 2022</u>	
145C	Governor Northam's Budget: Provides \$145.1 million in FY 2022 for the state's share of a 3% salary increase for instructional and support positions, effective July 1, 2021.	No compensation supplement provided in FY 2021, as compared to \$18.7 million in salary incentive funding provided to Fairfax in the state's FY 2020 budget. For FY 2022, funding of \$14.1 million is included for the state share to FCPS.
	<u>School Safety</u>	
145 B.7.g	Governor Northam's Budget: Includes \$99.3 million for additional school counselors. The first amendment provides \$42.6 million for the school counselor staffing ratios authorized in the SOQs by the 2019 GA and a second amendment provides \$56.7 million to lower the standard to 1 school counselor per 250 students in K-12 in FY 2022.	For FY 2021, the funded staffing standards for school counselors in FY 2020 are 455-to-1 in elementary schools, 370-to-1 in middle schools, and 325-to-1 in high schools. This action reduces the staffing ratios to 375-to-1 in elementary schools, 325-to-1 in middle schools, and 300-to-1 in high schools in FY 2021, consistent with Section 22.1-253.13:2, H.4.a., Code of Virginia. FCPS meets the new ratio requirement systemwide without adding counselors. In FY 2022, there will be additional reductions of all funded staffing ratios to 250-to-1. This amendment provides an additional \$21.2 million in state funding to school divisions in FY 2021 and \$78.1 million in FY 2022. The funding for school counselors can not be delineated for FCPS. For FY 2021, FCPS anticipates \$2 million in additional funding from the state. For FY 2022, in order to meet the school counselor staffing ratio at 250:1, it is estimated that a total of 175 new counselor positions at \$17.5 million will be required.

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	<u>New "Games of Skill" Per Pupil Funding</u>	
145 C.40	Governor Northam's Budget: Provides \$50 million in FY 2021 and \$75 million in FY 2022 for the Games of Skill Per Pupil funding. This funding is intended to backfill the decrease for the Supplemental Lottery Per Pupil amount. The funding source is contingent upon passage of legislation by the 2020 GA. These funds do not require local match.	Results in additional funding of \$4.5 million as compared to the FY 2021 budget forecast presented on November 26, 2019.
	<u>At-Risk Add-On Program</u>	
145 C.9.e	Governor Northam's Budget: Reallocates \$87.8 million of Lottery Per Pupil payments to the At-Risk Add-On program. The per pupil allocation is backfilled with \$125.0 million from the new "Games of Skill" revenue. In addition, increases by \$52.6 million over the biennium the support for educationally at-risk students.	Results in an increase of \$3.3 million as compared to the budget forecast presented on November 26, 2019.
	<u>Other Items of Interest</u>	
145 C.18	Governor Northam's Budget: Includes \$27.6 million to increase the number of instructional support positions for English Language learners.	This action increases the number of funded positions from 17 per 1,000 students in FY 2020 to 20 per 1,000 students in FY 2021 and 2022. Results in additional funding of \$5.6 million for ESOL program as compared to the budget forecast presentation on November 26, 2019. FCPS meets the new ratio requirement systemwide without adding ESOL teachers.
145 C.41	Governor Northam's Budget: Includes \$10.6 million to help cover the cost of school breakfast and lunch for families who qualify for reduced meal pricing.	No impact on the School Operating Fund. Results in additional funding of \$0.6 million for the Food and Nutrition Services Fund.
145 C.10, 145 C. 15	Governor Northam's Budget: Makes technical updates based on program participation, including \$13.7 million for K-3 Primary Class Size Reduction and \$5.3 million for Early Reading Intervention.	Other increases total \$2.1 million as compared to the FY 2021 budget forecast presented on November 26, 2019. The increases are primarily due to increases of \$1.3 million in K-3 Primary Class Size Reduction and \$0.7 million in Early Reading Intervention.

Impact to the Fairfax County Public Schools' (FCPS) FY 2021 Operating Fund Budget

Governor Northam's Budget:

Compared to FCPS' FY 2020 Approved Budget, Governor Northam's budget includes \$61.7 million more in state aid and \$7.5 million more in sales tax revenue for FY 2021.

The impact of Governor Northam's Budget is reflected in the FCPS FY 2021 Proposed Budget released on January 9, 2020.

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
DURING THE 2020 GENERAL ASSEMBLY SESSION
as of January 15, 2020**

Budget Item #	Issue	Fairfax County Impact
	Transportation	
	Regional Items	
	<u>Northern Virginia Transportation Authority (NVTa) Funding</u>	
453 (FY 2020) 451 (FY 2021- FY 2022)	<p>Governor Northam's Budget: Includes the regional funds provided for in HB 2313 (2013), including \$563.8 million for distribution of NVTa Fund revenues over the 2018-2020 biennium (\$10.8 million above what was previously projected for the biennium).</p> <p>The Governor's proposed 2020-2022 biennium includes \$614.7 million for distribution of NVTa Fund Revenues over the biennium, \$50.9 million above the revised projection for the 2018-2020 biennium budget.</p>	<p>The amount received by the County is dependent on actual collections of the revenue sources. Through its Six Year Program, NVTa allocates 70 percent (approximately \$394.7 million for FY 2019-2020 and \$430.3 million for FY 2021-2022) to regional projects. This funding has already been approved for projects through adoption of NVTa's FY 2018-2023 Six Year Program.</p> <p>Fairfax County should receive approximately \$76.1 million over the 2018-2020 biennium and \$82.98 million over the 2020-2022 biennium to allocate for local projects approved by the Board of Supervisors (30 percent funding returned to localities), minus the respective shares provided to Vienna and Herndon. Approximately \$14 million annually of this "30 percent funding" will likely be transferred to the Commonwealth's WMATA Capital Fund for the County's share of local funding for State of Good Repair, as required by HB 1539/SB 856 (2018).</p>
	<u>Regional Transportation Entity Appointments</u>	
	<p>Governor Northam's Budget: Removes language from the Caboose budget (FY 2020) permitting the Speaker to appoint non-legislative members to the NVTa, Northern Virginia Transportation Commission (NVTC), and Potomac and Rappahannock Transportation Commission (PRTC).</p>	<p>Speaker Cox appointed three non-legislative members to NVTC (Jim LeMunyon, Raul "Danny" Vargas, and M. David Skiles), and one nonlegislative member to NVTa (Randy Minchew).</p>
	<u>Regional Gas Tax</u>	
440	<p>Governor Northam's Budget: Provides \$307.4 million over the 2020-2022 biennium for regional gas taxes (for NVTC, PRTC, Hampton Roads Transportation Accountability Commission (HRTAC) and the Interstate 81 Corridor Improvement Fund). Estimates \$109.9 million for NVTC over the 2020-2022 biennium, which is \$13.3 million less than projections for the FY 2019-2020 biennium.</p>	<p>The amount received by NVTC and the County is dependent on actual collections of the revenue sources. If funds come in as low as projected, it could impact the County's balances in its NVTC account, which are utilized to help pay the County's share of WMATA funding.</p>
	<u>Statewide Programs</u>	
	<u>Department of Rail and Public Transportation</u>	
442	<p>Governor Northam's Budget: Increases Public Transportation Programs funding for the 2020-2022 biennium to \$987.97 million (\$147.9 million increase), including:</p> <ul style="list-style-type: none"> • \$221.96 million for Operating Assistance (\$40.1 million increase); • \$87.6 million for Capital Assistance (\$14.3 million increase); • \$323.6 million for WMATA operating and capital costs (state share of WMATA assistance) (\$9.7 million increase); • \$4 million for federally mandated state safety oversight of fixed rail guideway transit agencies, i.e. the Metrorail Safety Commission (MSC) (\$1.6 million increase); • \$50 million in first year for transit initiatives identified by the Secretary; • \$50 million in second year as state match for the federal Passenger Rail Investment and Improvement Act (PRIIA) funding; • \$320 million for the WMATA Capital Fund, which includes the local and regional funding redirected as part of HB 1539/SB 856 (\$64.4 million increase); and, • Removes the language that provided a one-year transition for mass transit providers to prepare for the new allocation methodology for state transit operations funding. 	<p>The statewide Operating and Capital funding is subject to the transit prioritization process required by the 2018 General Assembly, entitled Making Efficient and Responsible Investments in Transit (MERIT), so the impact to Fairfax Connector and VRE is currently unclear.</p> <p>Provides increased funding for WMATA, though some of this is provided through regional and local sources.</p>

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
DURING THE 2020 GENERAL ASSEMBLY SESSION
as of January 15, 2020**

Budget Item #	Issue	Fairfax County Impact
	<u>Virginia Department of Transportation</u>	
	<u>Environmental Monitoring and Evaluation</u>	
445	Governor Northam's Budget: For the 2020-2022 biennium, provides \$81.6 million for Environmental Monitoring and Evaluation (\$33.9 million increase from the revised 2018-2020 biennium budget), including \$16.2 million for Environmental Monitoring and Compliance for Highway Projects (\$2.6 million increase) and \$58.4 million for Municipal Separate Storm Sewer System (MS4) Compliance Activities (\$31 million increase).	The increased funding should help with environmental processes required for transportation projects.
	<u>Highway Construction</u>	
450	Governor Northam's Budget: For the 2018-2020 biennium, provides \$6.11 billion for Highway Construction Programs, an increase of \$759.3 million over previous projections. This includes: \$128.8 million for State of Good Repair (no change); \$291.5 million for the High Priority Projects Program (\$33.3 million increase); \$299.3 million for the Construction District Grant Program (\$33.3 million increase); \$4.29 billion for Specialized State and Federal Programs (\$691.4 million increase); and, \$1.02 billion for Legacy Construction Formula Programs (no change). Of the Specialized State and Federal Programs: <ul style="list-style-type: none"> • \$227.4 million is for the Regional Surface Transportation Program (RSTP); • \$106.2 million is for the Highway Safety Improvement Program (HSIP); • \$159.2 million is for the Congestion Mitigation and Air Quality (CMAQ) Program; • \$200 million is for Revenue Sharing; • \$40.4 million is for the Surface Transportation Block Grant Program Set-Aside; • \$6.9 million is for the Virginia Transportation Infrastructure Bank (VTIB); • \$3.5 million is for the Transportation Partnership Opportunity Fund (TPOF); • \$689.8 million represents the estimated project participation costs from localities and regional entities; and, • \$150.9 million in the second year represents the bond proceeds to be used for the Route 58 Corridor Development Program. 	Many of these funds are subject to the Smart Scale prioritization process, so the impact to Fairfax County is currently unclear. Retains the current funding levels for Revenue Sharing (\$100 million). For the 2018-2020 biennium budget, RSTP, CMAQ, HSIP, and Transportation Alternative funds are similar to what was allocated in previous years.
447	For the 2020-2022 biennium budget, provides \$7.37 billion for Highway Construction Programs, an increase of \$1.25 billion over the revised 2018-2020 biennium budget. This includes: \$707 million for State of Good Repair (\$578.2 million increase); \$658.1 million for the High Priority Projects Program (\$366.6 million increase); \$647.9 million for the Construction District Grant Program (\$348.6 million increase); \$4.78 billion for Specialized State and Federal Programs (\$497.1 million increase); and, \$484.6 million for Legacy Construction Formula Programs (\$538 million decrease). Of the Specialized State and Federal Programs: <ul style="list-style-type: none"> • \$233.4 million is for RSTP; • \$106.2 million is for HSIP; • \$166.2 million is for CMAQ; • \$200 million is for Revenue Sharing; • \$40.4 million is for the Surface Transportation Block Grant Program Set-Aside; • \$4 million is for VTIB; • \$2 million is for TPOF; • \$1.96 billion represents the estimated project participation costs from localities and regional entities; and, • \$218.4 million in the second year represents the bond proceeds to be used for the Route 58 Corridor Development Program. Item 452 also provides \$120 million from the Transportation Trust Fund (TTF) to the U.S. Route 58 Corridor Development Fund in lieu of state recordation taxes that law allocates to the fund - the previous budget provided \$80 million from the general fund and \$29 million from the TTF. 	For the 2020-2022 biennium, an additional \$6 million is projected for RSTP and an additional \$7 million is projected for CMAQ, which could benefit the County. HSIP and Transportation Alternative funds are similar to what was allocated in previous years.
431	Governor Northam's Budget: The FY 2020-2022 biennium budget transfers \$2.5 million from the Transportation Partnership Opportunity Fund (TPOF) to the Commonwealth Space Flight Fund to support construction of a hangar for unmanned vehicle operations. Also transfers \$5 million from TPOF to the Commonwealth Space Flight Fund to support the development of an improved launch team maintenance facility complex.	Will reduce funds being provided for transportation construction projects.

**BUDGET PROPOSALS FOR FY 2020 - FY 2022
DURING THE 2020 GENERAL ASSEMBLY SESSION
as of January 15, 2020**

Budget Item #	Issue	Fairfax County Impact
<u>Highway Maintenance</u>		
451	Governor Northam's Budget: For the 2018-2020 biennium, provides \$4.08 billion for Highway System Maintenance and Operations, a \$104.7 million increase over previous projections. This includes \$956.1 million for interstates (\$74.8 million increase); \$1.27 billion for primaries (\$79.2 million increase); \$1.23 billion for secondaries (\$14.5 million increase); and, \$487.9 million for Transportation Operations Services (\$46.9 million decrease).	Using historical estimates, approximately \$15 million more may be available for maintenance and operations within Northern Virginia.
448	For the 2020-2022 biennium, provides \$3.89 billion for Highway System Maintenance and Operations, a \$182.8 million decrease over the revised 2018-2020 biennium budget. This includes \$937.2 million for interstates (\$18.9 million decrease); \$1.22 billion for primaries (\$52.1 million decrease); \$1.17 billion for secondaries (\$57.1 million decrease); and, \$409.7 million for Transportation Operations Services (\$78.2 million decrease).	Using historical estimates, approximately \$27 million less may be available for maintenance and operations within Northern Virginia.
<u>Special Structures</u>		
449	Governor Northam's Budget: Provides \$64.4 million in the 2020-2022 biennium budget for this new line item.	This is a new fund. Legislation and budget language during the 2019 session directed the Commonwealth to review and report on the overall condition of special structures and to identify funding to address their needs. Only one of the identified structures is in Northern Virginia.
<u>Toll Facilities</u>		
452	Governor Northam's Budget: For the 2018-2020 biennium, provides \$166.3 million for toll facilities (\$5.8 million decrease), including \$6.4 million for Debt Service (no change); \$87.3 million for Maintenance and Operations (\$5.8 million decrease); and, \$72.6 million for the Revolving Fund (no change).	The funding appears to reflect the number of facilities in the Commonwealth.
450	For the 2020-2022 biennium, provides \$186.9 million for toll facilities over the updated 2018-2020 budget (\$20.6 million increase), including \$3.2 million for Debt Service (\$3.2 million decrease); \$110.2 million for Maintenance and Operations (\$22.9 million increase); and, \$73.5 million for the Revolving Fund (\$900,000 increase).	The increase in funding for Maintenance and Operations appears to reflect the increase in the number of facilities in the Commonwealth.
<u>Other</u>		
441	Governor Northam's Budget: In FY 2020, increases the number of FTEs for the Department of Motor Vehicles to 2,180 (from 2,080).	No direct impact. Increase in staff is due to the anticipated increase in customers applying for a REAL ID.
438	For the 2020-2022 biennium budget, retains the number of FTEs at 2,180 (up from 2,080 in FY 2019) in FY 2021 and reduces that number to 2,120 in FY 2022.	
453 (FY 2020) 451 (FY 2021- FY 2022)	Governor Northam's Budget: Retains language directing the CTB to prioritize up to \$250,000 of recreational access road funding for projects that improve handicapped access at State Park facilities.	TBD.



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Transportation Update

Shannon Valentine

January 15, 2020

Overview of Administration Proposals

- Omnibus transportation package
 - SB890 (Saslaw)
- Transportation Safety
 - SB907 (Lucas)

Governor's Transportation Package (SB890 Saslaw)

- Restructures Virginia's transportation funding model
- Transforms rail in the Commonwealth
- Reduces fatalities and injuries on Virginia's highways

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Virginia's Transportation Funding Model Is Unsustainable

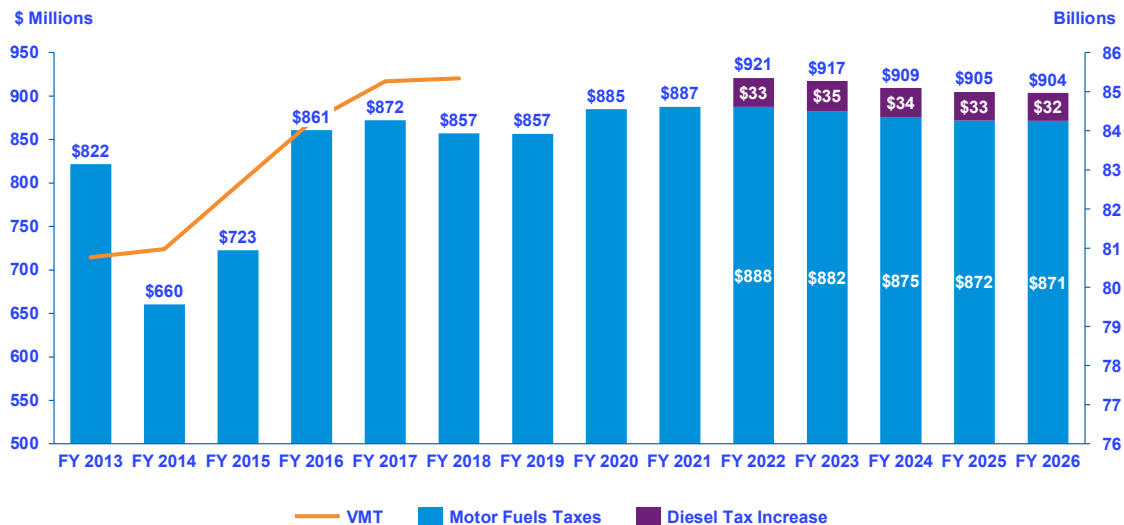
3 key reasons:

- Increased fuel efficiency
- Structure of HB2313 (2013) motor fuels tax – tied to sales price of gas
- Significant reliance on regressive fees paid exclusively by Virginians

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Motor Fuels Tax Revenue and Vehicle Miles Traveled (VMT)

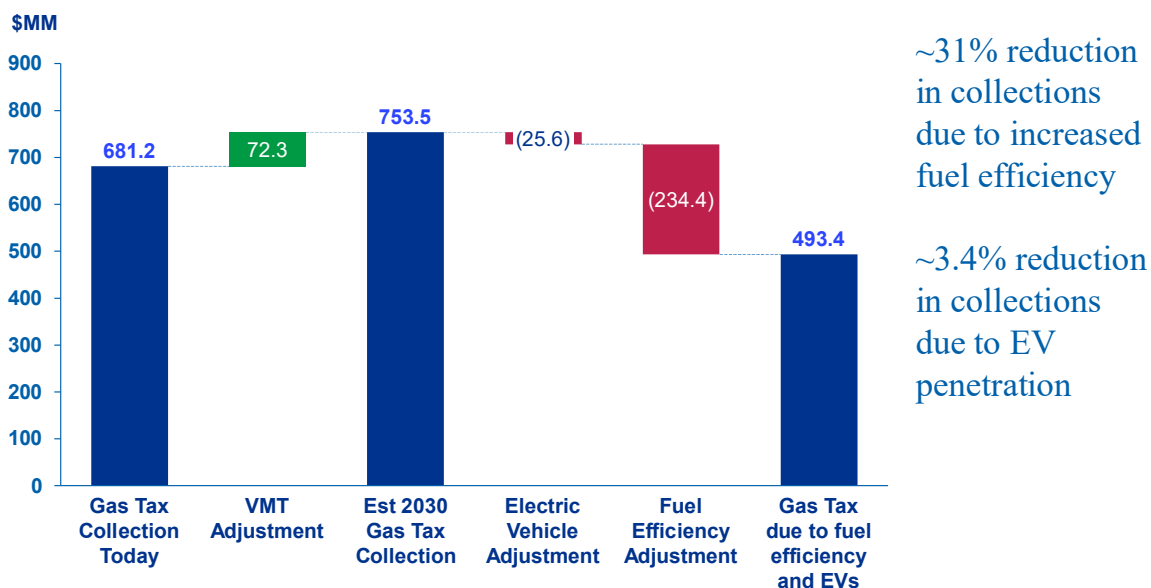


Sources: CTF Revenue Reporting by DOA; VDOT VMT Report 2200 - DVMT by Maintenance Jurisdiction All Roads, annualized total (VMT reflects calendar year reporting); Tax Forecast, November 2019 update for FY 2020 forward

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KPMG Forecast Gas Tax Collections (2030)



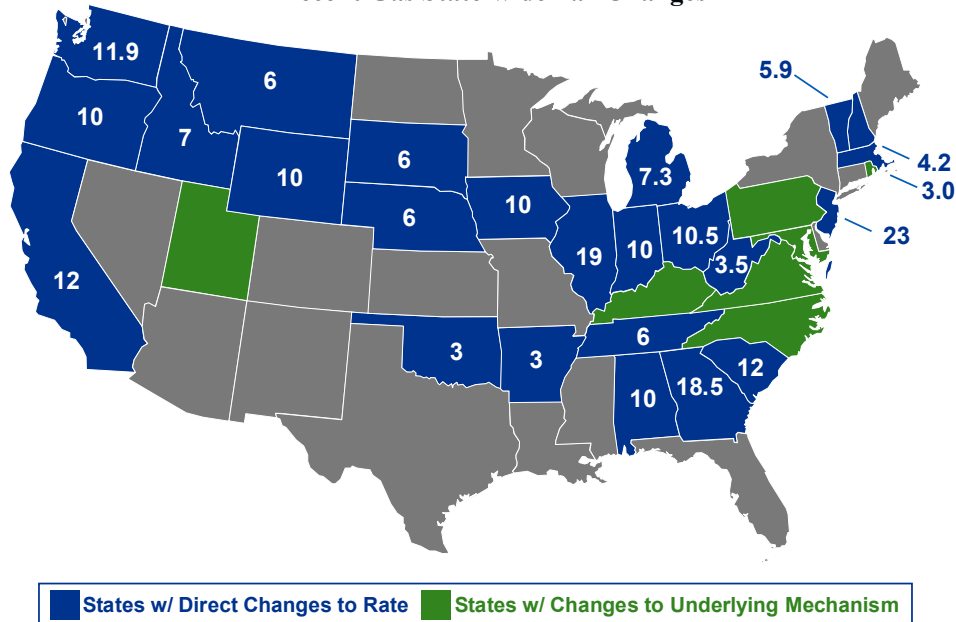
Source: KPMG Analysis

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Recent Changes to Gasoline Tax Rates

Recent Gas State-wide Tax Changes



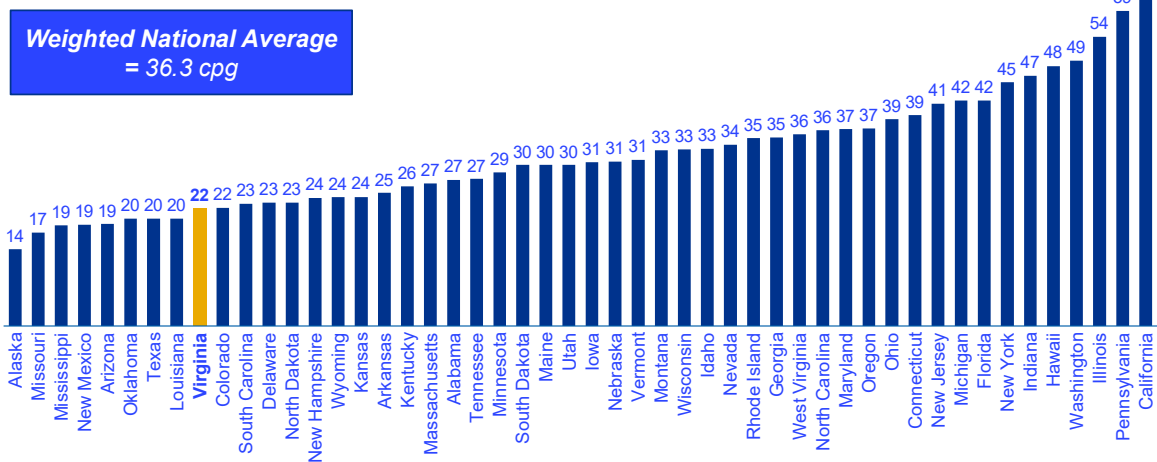
Note: 21 states have increased their gas tax rates an average of 10 cents per gallon since 2013.
Source: National Conference of State Legislatures

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Motor Fuels “Full” Tax Rates by State

Current Gasoline Tax Rates by State
(Cents per Gallon)



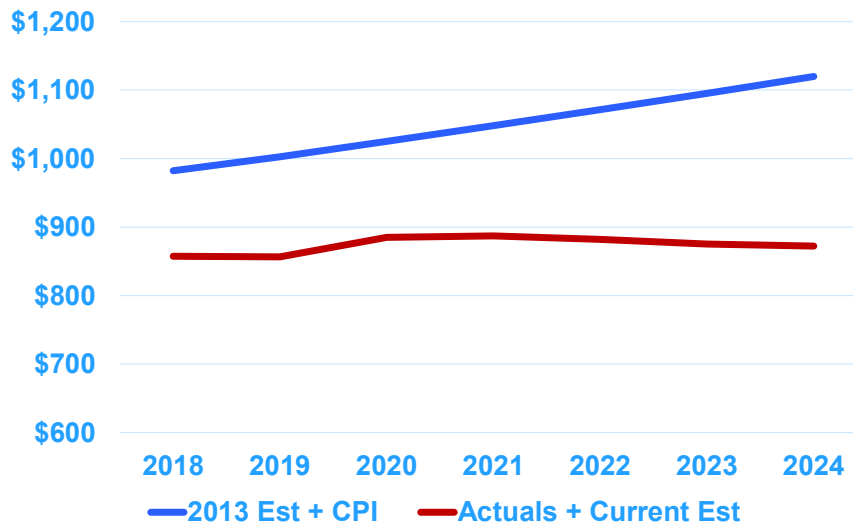
Note: Includes state excise taxes for gasoline (excludes diesel) plus other applicable taxes and fees collected on gasoline such as local taxes. Excludes federal excise tax of 18.4 cpg. National average represents approximate volume-weighting
Source: American Petroleum Institute - State Motor Fuels Taxes (rates effective as of 10/1/2019)

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Supplementary Documents

HB2313: Expectations versus Reality

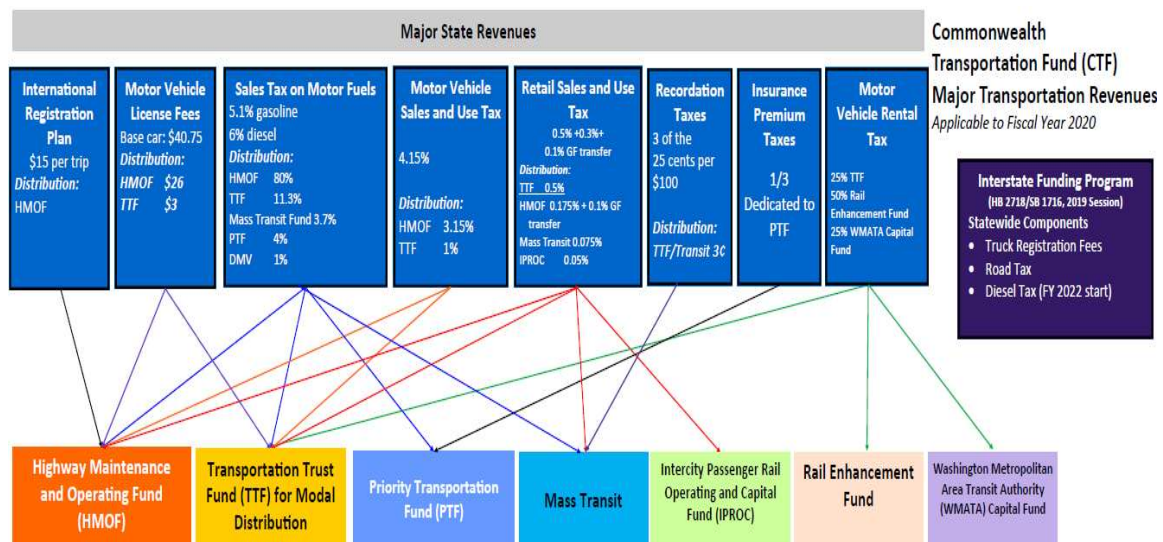


NOTE: Figures on vertical axis shown in millions of dollars.

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Today's transportation funding allocation model: confusing and opaque



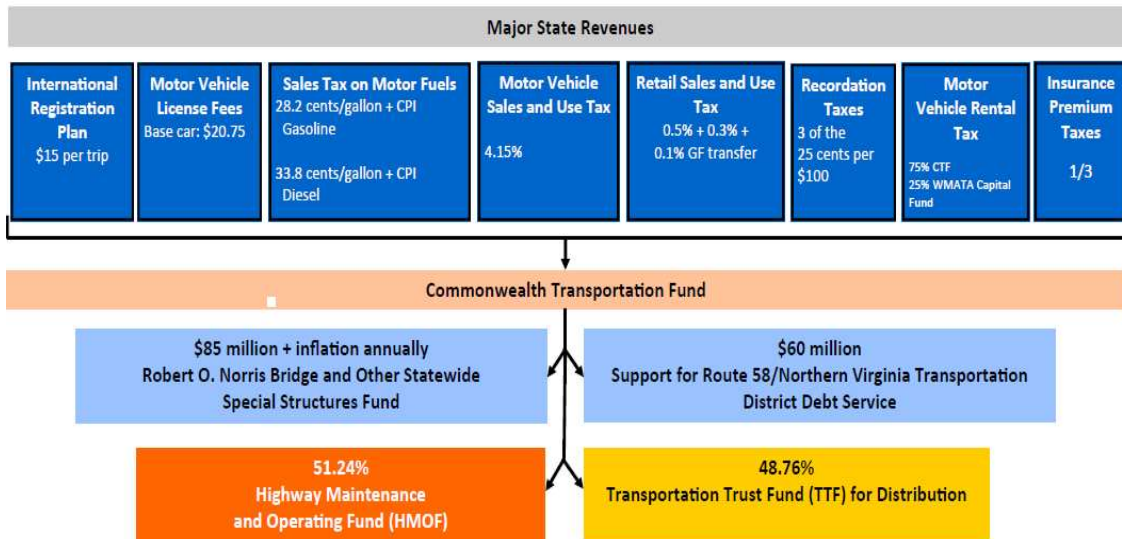
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Supplementary Documents

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New, streamlined allocation model



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Restructuring Virginia's Transportation Funding Model

- Raise the gas tax by 4 cents a year for 3 years
- Index the gas and diesel tax to CPI instead of the sales price of fuel
- Creates a new Highway Use Fee on fuel-efficient vehicles – a tiered fee based on fuel economy
- Cut most passenger vehicle registration fees by \$20 starting in FY22

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Supplementary Documents

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Highway Use Fee

- Ensures equitable contributions from users of our transportation system
- A fuel-efficient vehicle would pay 85% of the difference between the fuel tax paid by an average vehicle and what the fuel-efficient vehicle pays
- If an average car pays \$100 in gas tax, and the fuel efficient car pays \$80 in gas tax, then the fee would be as follows:

$$\$100 - \$80 = \$20 \times 85\% = \$17$$

- Fuel efficient vehicle would save ~\$215 in gas costs (@ \$2.20/gallon)

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Highway Use Fee

- In FY21 the driver of a 2000 Toyota Camry with a fuel economy of 23 mpg would pay \$101.88 in gas tax
- The driver of a 2019 Toyota Camry Hybrid with a fuel economy of 52 mpg would pay \$45.06 in gas tax
- Driver of the 2019 Camry pays \$56.82 less in gas taxes

	2000 Camry	2019 Camry Hybrid
Weight	2,998 lbs	3,572 lbs
# of Seats	5	5
Dimensions	189" L x 70" W	192" L x 72" W

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Impact to Transportation Program

	FY21	FY22	FY23	FY24
Phase Gas Tax Increase	\$152.4	\$319.6	\$492.9	\$542.6
Highway Use Fee	\$38.0	\$46.7	\$55.9	\$58.8
Reg. Fee Reduction	-	(\$163.2)	(\$164.7)	(\$165.4)
GROSS TOTAL	\$190.4	\$203.1	\$384.1	\$436.0
Route 58/NVTD/Oak Grove	(\$61.0)	(\$61.0)	(\$60.0)	(\$60.0)
DMV	(\$5.0)	(\$5.0)	(\$5.0)	(\$5.0)
NET TOTAL	\$124.4	\$137.1	\$319.1	\$371.0

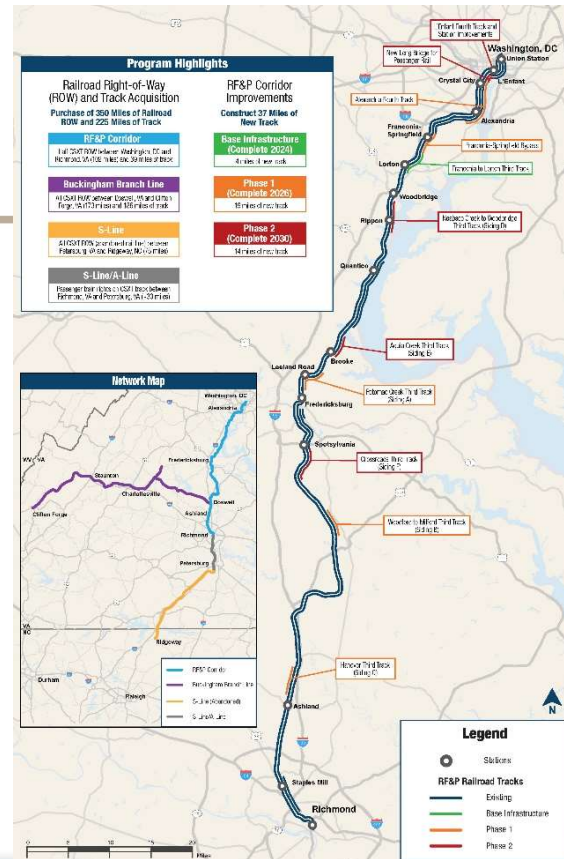
NOTE: Figures in millions of dollars

Addresses Key Transportation Needs

- Increases SMART SCALE Round 4 by \$200M
- Restores funding to transit from the end of the CPR bonds in 2018
- Addresses Virginia's 25 Special Structures: Robert O. Norris Bridge and Statewide Special Structures Program
- Increases safety funding by 33%
- Improves long-term condition of interstates, secondary highways, and city streets
- Matches federal PRIIA funding for WMATA
- Creates Transit Incentive Program

Rail Announcement

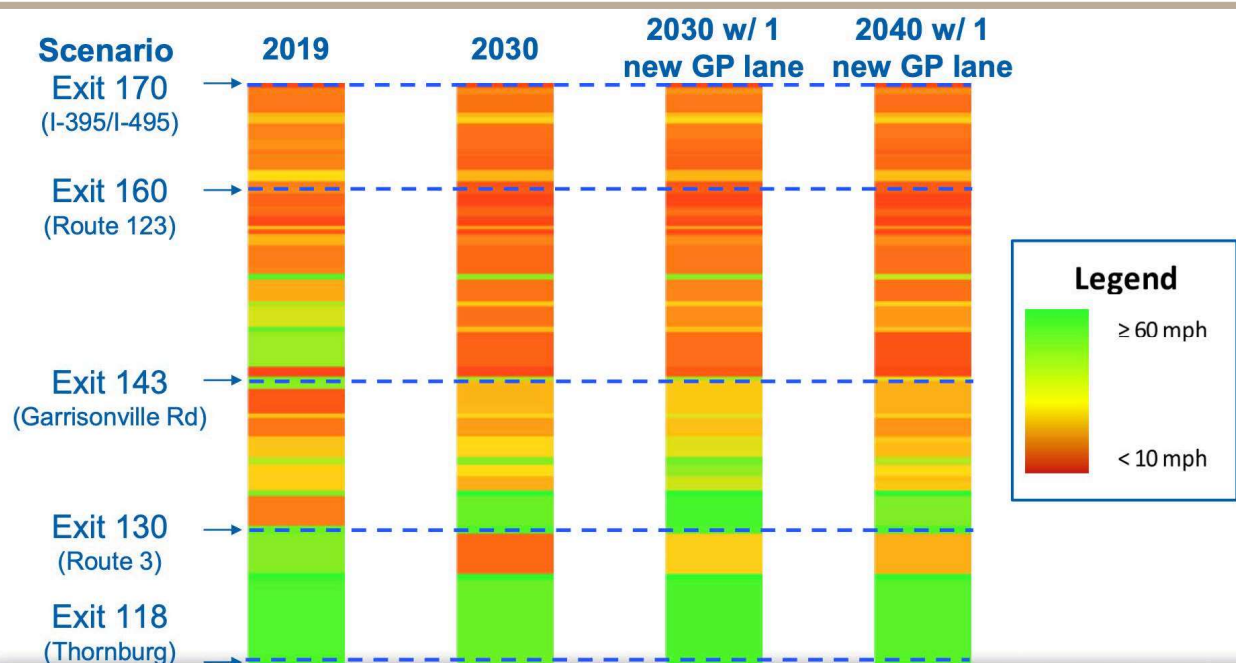
- \$3.7B initiative
- A new, Virginia-owned Long Bridge will carry passenger and commuter rail, while the old bridge is reserved solely for freight.
- Virginia will acquire from CSX:
 - 350 miles of rail right-of-way
 - 225 miles of track
- Includes 37 miles of track improvements
- Partnership with Amtrak and VRE



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We cannot pave our way out of congestion in NOVA



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Transforming Rail in the Commonwealth

- Establishes a Virginia Passenger Rail Authority
 - Will own and manage real estate and oversee and contract for passenger rail service
- Authorizes debt backed by I-66 inside the Beltway toll revenues to support Long Bridge construction
 - Working in partnership with the Northern Virginia Transportation Commission
- Consolidates REF and IPROC into new Commonwealth Rail Fund

Virginia Passenger Rail Authority

Board of Directors has 8 voting members and 2 other members

- 2 from NVTC
- 2 from PRTC
- 2 from RMTA
- 1 from HRTAC
- 1 from Western Virginia
- Amtrak representative
- DRPT Director, who shall be chair and only vote in the event of a tie

Virginia Passenger Rail Authority

- Supermajority of 6 of 8 votes required for the issuance of bonds and sale of land
 - Bonds may only be used for capital projects approved by the Board
 - Land sales with a value in excess of \$5M must be approved by the Board
- Annual budget
 - Capital and operating budget is required by be submitted to CTB by March 1 each year
 - CTB has until May 30 to approve or reject

Virginia Passenger Rail Authority

- DRPT will continue to:
 - Develop rail plans and undertake rail planning
 - Administer grant programs
 - Retain 8.5% of the new Commonwealth Rail Fund
 - Up to \$4M of which may be used for the Shortline Rail Preservation and Development Fund

Interstate Operations and Enhancement Program

- Directs CTB to establish a program to govern the funds from the '81' bill last GA session
- CTB must establish a prioritization process for the use of funds
- Funds may only be used for a project or strategy that addresses a need in VTrans or a Board adopted corridor plan

Transit Incentive Program

- Directs CTB to establish a program to promote increased ridership of large urban transit systems and to reduce the barriers to transit use for low-income individuals
- Funds are allocated by the Board to:
 - Establish routes of regional significance
 - Develop regional subsidy allocation models
 - Implement bus-only lanes and fare integration
- Up to 25% of funds may be used in any area to establish fare reduction programs and/or fare elimination

Improving Safety on Virginia's Roadways



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Improving Safety on Virginia's Roadways

- Key policies include:
 - Making seat belt use a primary offense;
 - Prohibiting the use of hand held devices;
 - Prohibiting open containers in the passenger area of vehicles;
 - Enhanced speed enforcement in highway safety corridors;
 - Authority for local governments to lower speed limits in business and residence districts.

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Supplementary Documents

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Improving Safety on Virginia's Roadways

- Three of the policies have a delayed effective date until July 1, 2021 (primary seat belt, handheld ban, and open container)
- DMV Commissioner is required to:
 - Work with Chiefs of Police and DRIVE SMART to develop training materials for law-enforcement
 - Work with traffic safety organizations to develop educational materials for the general public
 - Establish an advisory council to review materials and monitor the effectiveness of policies and whether there is a disproportionate impact on certain communities

Virginia Highway Safety Improvement Program

The bill also establishes a Virginia Highway Safety Improvement Program:

- Investment in system infrastructure improvements and proven behavioral programs
- 5-year investment strategy adopted by the CTB
- Projects, strategies, and activities prioritized based on expected reduction in fatalities and serious injuries

Other Key Provisions of the Omnibus Transportation Package

- Restores \$30M/year in funding to the NVTa through grantor's tax and transient occupancy tax
- Debt authorization for the Interstate 81 Corridor Improvement Program as recommended by the Interstate 81 Committee and the CTB
- Regional fuels tax restructuring in NOVA, Hampton Roads, and 81 Corridor to be indexed to CPI instead of the distributor price of fuel
- Provides funding to complete Corridor Q in Southwest Virginia

Transportation Safety (SB907 Lucas)

- Set of policies and investments that are anticipated to reduce fatalities by 15%, 120 people annually, when fully implemented
- Repeals requirement for regular safety inspection
 - According the NHTSA only 2% of crashes involve vehicle failure
 - 35 states do not require a safety inspection
 - Of the 10 safest states only 3 require safety inspections

Improving Safety on Virginia's Roadways

- Key policies include:
 - Making seat belt use a primary offense;
 - Prohibiting the use of hand held devices;
 - Prohibiting open containers in the passenger area of vehicles;
 - Enhanced speed enforcement in highway safety corridors;
 - Authority for local governments to lower speed limits in business and residence districts.

Includes the same protections as Omnibus Transportation bill



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HB 729 & HB1414 - Preliminary Analysis - Subject to Change

Baseline Rate Basis			HB729 Analysis Rate Basis						HB1414 Analysis Rate Basis	
			Sales Tax		0.70% All NVTA					
			TOT Compact		3.00% All WMATA					
			TOT Non-Compact		2.00% No NVTA/WMATA					
			Grantor's Compact		\$.20/\$100 50/50 WMATA, NVTA					
			Grantor's Non-Compact		\$.15/\$100 1/3 Jur., 2/3 NVTA					
NVTA FY 2021 Baseline	Current FY2021 Estimate	Current FY2021 30% Est	Pre WMATA FY2021 Projection	WMATA Capital Fund	Non WMATA Jurisdiction	HB729 NVTA	HB729 30%	HB1414 NVTA	HB1414 30%	
City of Alexandria										
Sales	\$ 16,707,517	\$ 5,012,255	\$ 16,707,517			\$ 16,707,517	\$ 5,012,255	\$ 16,707,517	\$ 5,012,255	
TOT			\$ 3,764,975	\$ 5,647,463						
Grantors			\$ 3,360,000	\$ 2,240,000		\$ 2,240,000	\$ 672,000	\$ 3,360,000	\$ 1,008,000	
Total	\$ 16,707,517	\$ 5,012,255	\$ 23,832,493	\$ 7,887,463		\$ 18,947,517	\$ 5,684,255	\$ 20,067,517	\$ 6,020,255	
Arlington										
Sales	\$ 26,591,884	\$ 7,977,565	\$ 26,591,884			\$ 26,591,884	\$ 7,977,565	\$ 26,591,884	\$ 7,977,565	
TOT			\$ 10,667,124	\$ 16,000,686						
Grantors			\$ 4,650,000	\$ 3,100,000		\$ 3,100,000	\$ 930,000	\$ 4,650,000	\$ 1,395,000	
Total	\$ 26,591,884	\$ 7,977,565	\$ 41,909,008	\$ 19,100,686		\$ 29,691,884	\$ 8,907,565	\$ 31,241,884	\$ 9,372,565	
City of Fairfax										
Sales	\$ 7,582,001	\$ 2,274,600	\$ 7,582,001			\$ 7,582,001	\$ 2,274,600	\$ 7,582,001	\$ 2,274,600	
TOT			\$ 424,483	\$ 636,725						
Grantors			\$ 445,605	\$ 297,070		\$ 297,070	\$ 89,121	\$ 445,605	\$ 133,682	
Total	\$ 7,582,001	\$ 2,274,600	\$ 8,452,089	\$ 933,795		\$ 7,879,071	\$ 2,363,721	\$ 8,027,606	\$ 2,408,282	
Fairfax County										
Sales	\$ 117,447,981	\$ 35,234,394	\$ 117,447,981			\$ 117,447,981	\$ 35,234,394	\$ 117,447,981	\$ 35,234,394	
TOT			\$ 12,475,378	\$ 18,713,067						
Grantors			\$ 21,658,575	\$ 14,439,050		\$ 14,439,050	\$ 4,331,715	\$ 21,658,575	\$ 6,497,573	
Total	\$ 117,447,981	\$ 35,234,394	\$ 151,581,934	\$ 33,152,117		\$ 131,887,031	\$ 39,566,109	\$ 139,106,556	\$ 41,731,967	
City of Falls Church										
Sales	\$ 2,900,900	\$ 870,270	\$ 2,900,900			\$ 2,900,900	\$ 870,270	\$ 2,900,900	\$ 870,270	
TOT			\$ 206,600	\$ 309,900						
Grantors			\$ 257,704	\$ 171,803		\$ 171,803	\$ 51,541	\$ 257,704	\$ 77,311	
Total	\$ 2,900,900	\$ 870,270	\$ 3,365,204	\$ 481,703		\$ 3,072,703	\$ 921,811	\$ 3,158,604	\$ 947,581	
Loudoun										
Sales	\$ 54,040,000	\$ 16,212,000	\$ 54,040,000			\$ 54,040,000	\$ 16,212,000	\$ 54,040,000	\$ 16,212,000	
TOT			\$ 3,240,000	\$ 4,860,000						
Grantors			\$ 9,900,000	\$ 6,600,000		\$ 6,600,000	\$ 1,980,000	\$ 9,900,000	\$ 2,970,000	
Total	\$ 54,040,000	\$ 16,212,000	\$ 67,180,000	\$ 11,460,000		\$ 60,640,000	\$ 18,192,000	\$ 63,940,000	\$ 19,182,000	
City of Manassas										
Sales	\$ 5,306,040	\$ 1,591,812	\$ 5,306,040			\$ 5,306,040	\$ 1,591,812	\$ 5,306,040	\$ 1,591,812	
TOT			\$ 62,380	\$ 62,380	\$ 62,380					
Grantors			\$ 375,580	\$ 125,193	\$ 125,193	\$ 250,387	\$ 75,116	\$ 375,580	\$ 112,674	
Total	\$ 5,306,040	\$ 1,591,812	\$ 5,744,000	\$ 187,573	\$ 187,573	\$ 5,556,427	\$ 1,666,928	\$ 5,681,620	\$ 1,704,486	
City of Manassas Park										
Sales	\$ 1,509,007	\$ 452,702	\$ 1,509,007			\$ 1,509,007	\$ 452,702	\$ 1,509,007	\$ 452,702	
Grantors			\$ 158,728	\$ 52,909	\$ 52,909	\$ 105,819	\$ 31,746	\$ 158,728	\$ 47,618	
Total	\$ 1,509,007	\$ 452,702	\$ 1,667,735	\$ 52,909	\$ 52,909	\$ 1,614,826	\$ 484,448	\$ 1,667,735	\$ 500,321	
Prince William										
Sales	\$ 40,897,500	\$ 12,269,250	\$ 40,897,500			\$ 40,897,500	\$ 12,269,250	\$ 40,897,500	\$ 12,269,250	
TOT			\$ 1,729,473	\$ 1,729,473	\$ 1,729,473					
Grantors			\$ 5,571,285	\$ 1,857,095	\$ 1,857,095	\$ 3,714,190	\$ 1,114,257	\$ 5,571,285	\$ 1,671,386	
Total	\$ 40,897,500	\$ 12,269,250	\$ 48,198,258	\$ 3,586,568	\$ 3,586,568	\$ 44,611,690	\$ 13,383,507	\$ 46,468,785	\$ 13,940,636	

	Current FY2021 Estimate	Current FY2021 30% Est	Pre WMATA FY2021 Projection	WMATA Capital Fund	Non WMATA Jurisdiction	HB729 NVTA	HB729 30%	HB1414 NVTA	HB1414 30%
Sales	\$ 272,982,830	\$ 81,894,849	\$ 272,982,830	\$ -	\$ -	\$ 272,982,830	\$ 81,894,849	\$ 272,982,830	\$ 81,894,849
TOT			\$ 32,570,413	\$ 46,167,841	\$ 1,791,853	\$ -	\$ -		
Grantors	\$ -	\$ -	\$ 46,377,477	\$ 26,847,923	\$ 2,035,198	\$ 30,918,318	\$ 9,275,495	\$ 46,377,477	\$ 13,913,243
Total	\$ 272,982,830	\$ 81,894,849	\$ 351,930,721	\$ 73,015,764	\$ 3,827,050	\$ 303,901,148	\$ 91,170,344	\$ 319,360,307	\$ 95,808,092
70%	\$ 191,087,981		\$ 246,351,504			\$ 212,730,804		\$ 223,552,215	
30%	\$ 81,894,849		\$ 105,579,216			\$ 91,170,344		\$ 95,808,092	

Note: 30% Figures do not include impact of \$27.12 million WMATA capital funding charge

Prepared by NVTA Staff

A State Budget Opportunity to Alleviate Local Fiscal Stress

VML/VACO Finance Forum

Fiscal Analytics, Ltd.

January 6, 2020

Opportunities in the New 2020-22 State Biennium Budget

- New General Assembly leadership has a unique opportunity to help alleviate local fiscal stress:
 - FY 20 GF resources forecast to grow only 1.8% even with an improving FY 20 economic outlook, growing federal spending, and historic stock market growth. Net recent federal/state tax reforms also boost GF revenues.
 - Proposed \$1.9 bil. in total GF reserves (8% of GF) include \$1.3 bil. in *discretionary* GF reserves.
 - \$700 mil. in one-time FY 20 expenditures leaves structural balance for 2020-22 biennium.
 - \$200 mil. in “uncommitted” GF appropriations in introduced budget.
 - \$211 mil. (GF) reduction in GF Medicaid forecast for FY 20
 - Higher debt capacity also available

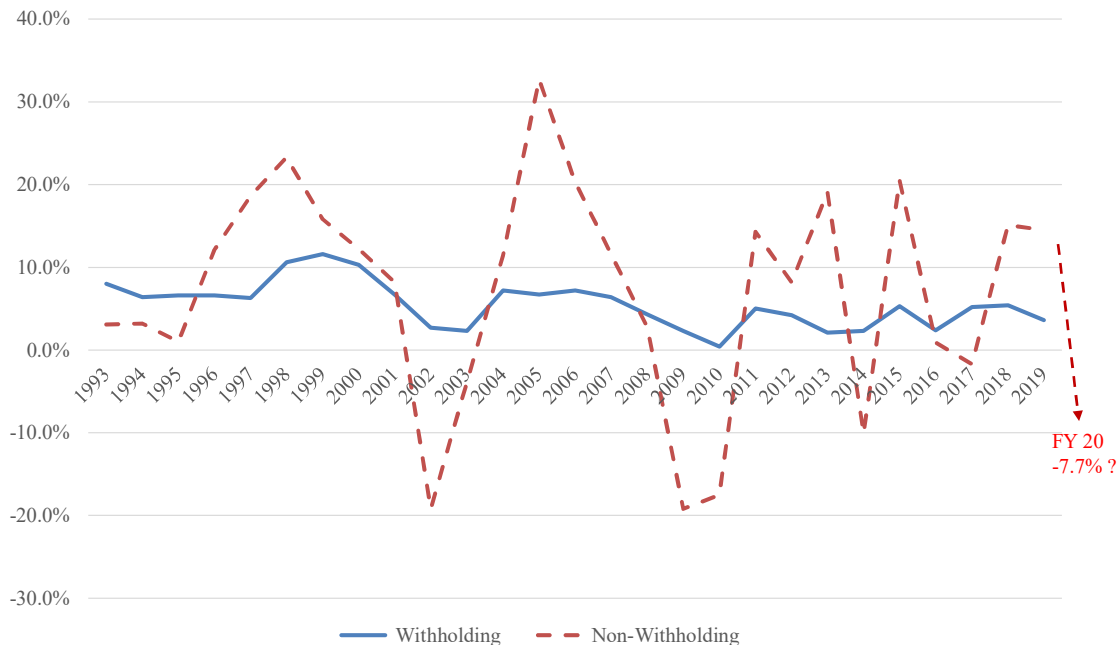
FY 2020 Revenue Forecast Appears Conservative

- *Introduced* expectations for FY 20 GF revenue growth are a modest 1.9%, even with a sound economy and the largest sources -- income tax withholding (4.7%) and sales taxes (6.0%) performing above trend.
 - Robust sales tax growth in FY 20 is the result of the new law requiring internet sellers to collect sales tax. Don't expect such high growth to continue into next biennium.
 - New federal budget through next year significantly increases defense/discretionary spending
- The wild card is income tax non-withholding (16.4% of the GF revenue forecast). FY 20 forecast expects *negative* 7.7% growth. This estimate is on the back of two very strong years of growth in both FY 18 (15.1%) and FY 19 (14.5%).
 - Approximately 55 percent of non-withholding is collected in Apr-Jun. Significant changes in taxpayer behavior this spring from recent federal and state tax changes could occur.
 - However, the stock market is up nearly 30 percent in 2019 and the possibility of strong capital gains could boost tax revenues above forecast.
- Underscoring the possibility of better FY 20 revenue growth is November YTD growth is 8.5 percent and XMAS sales appeared to be relatively strong.
- GF revenues could *decline* 1.7 percent the rest of the fiscal year and still make the introduced budget forecast of 1.9 percent.

3

Will Non-Withholding Income Tax Receipts Plummet as Forecast in FY 2020?

Annual % Growth Rate in Withholding and Non-Withholding Income Tax



4

Will FY 2020 GF Revenue Forecast Go Up?

	FY 2020 Forecast	Forecast % Change	Growth Through November	Remaining Growth Needed for Forecast
<i>Withholding</i>	\$13,591.9	4.7%	5.1%	4.4%
<i>Estimated Pay/Tax Dues</i>	\$3,669.6	-7.7%	20.3%	-13.9%
<i>Refunds</i>	<u>(\$1,976.6)</u>	<u>13.7%</u>	<u>12.3%</u>	<u>14.0%</u>
Net Individual Income	\$15,284.9	0.4%	6.7%	-3.2%
Sales Taxes	\$3,794.5	6.0%	8.8%	4.4%
Corporate Income	\$964.5	2.2%	28.3%	-6.3%
Recordation	\$437.6	13.2%	29.6%	1.8%
Insurance	\$409.1	7.1%	n/a	n/a
All Other Revenues	<u>\$813.9</u>	<u>3.2%</u>	<u>13.4%</u>	<u>-2.2%</u>
Total GF Revenues	\$21,704.5	1.9%	8.5%	-1.7%

5

Introduced 2020-22 Budget Has Healthy Revenue and Appropriation Growth

- GF resources available are forecast to rise 7.8 percent in the 2020-22 biennium over the 2018-20 biennium.
- General fund appropriations are expected to rise 9.1 percent in 2020-22.
 - Appropriations are budgeted to increase more than revenues because carryforward balances were not spent in the 2018-20 biennium.
 - Increasing revenues allow new debt capacity (from DCAC model) to increase from \$671 mil. to \$765 mil. per year.

	HB 29 Caboose	Introduced		
	<u>2018-20 Biennium</u>	<u>2020-22 Biennium</u>	<u>Change</u>	<u>% Change</u>
Balances	\$1,199,301,635	\$682,633,987	-\$516,667,648	-43.1%
Revenues	\$42,233,167,750	\$46,218,458,897	\$3,985,291,147	9.4%
Transfers	\$1,305,771,738	\$1,315,416,378	\$9,644,640	0.7%
Total GF	\$44,738,241,123	\$48,216,509,262	\$3,478,268,139	7.8%
GF Appropriations	\$44,175,244,379	\$48,202,803,233	\$4,027,558,854	9.1%

6

Revenues and Reserves in the 2020-22 *Introduced* Budget

- Assumes **additional GF revenues available for appropriation of \$3,478.3 mil.** in 2020-22 biennium versus the 2018-20 budget. \$48,216.5 mil. in 2020-22 biennium GF revenues includes:
 - \$682.6 mil. in unspent balances (primarily FY 19 surplus put into reserves/WQIF)
 - \$46,218.5 mil. in forecasted GF revenues
 - \$1,315.4 in transfers.
 - Revenue/Transfer growth of 4.3% in FY 21 and 3.6% in FY 22
- Equals \$2.7 bil. GF in 2020-22 appropriations above FY 2020 base.**
- \$95 mil. to RDF deposits and \$300 mil. to FY 22 revenue reserve
- \$200 mil. in “uncommitted” appropriations
- Proposing \$250 mil. in additional tobacco tax (30c per pack increase) to health care and \$125 mil. from “games of skill” proposed revenue to K-12.
- Transportation tax changes also proposed.

7

Normal GF Growth Expected in FY 2020-22

	<u>FY 2020</u>	<u>% Change</u>	<u>FY 2021</u>	<u>% Change</u>	<u>FY 2022</u>	<u>% Change</u>
<i>Withholding</i>	\$13,591.9	4.7%	\$14,118.0	3.9%	\$14,676.4	4.0%
<i>Estimated Pay/Tax Dues</i>	\$3,669.6	-7.7%	\$4,106.1	11.9%	\$4,301.4	4.8%
<i>Refunds</i>	<u>(\$1,976.6)</u>	<u>13.7%</u>	<u>(\$2,059.9)</u>	4.2%	<u>(\$2,137.4)</u>	<u>3.8%</u>
Net Individual Income	\$15,284.9	0.4%	\$16,164.2	5.8%	\$16,840.4	4.2%
Sales Taxes, incl Transfers	\$4,210.6	6.0%	\$4,319.9	2.6%	\$4,389.3	1.6%
Corporate Income	\$964.5	2.2%	\$1,019.2	5.7%	\$1,132.6	11.1%
Recordation	\$437.6	13.2%	\$388.1	-11.3%	\$357.0	-8.0%
Insurance	\$409.1	7.1%	\$420.1	2.7%	\$437.1	4.0%
All Other Revenues	\$813.9	3.2%	\$804.5	-1.2%	\$806.7	0.3%
Other Transfers	<u>\$250.6</u>	<u>-5.6%</u>	<u>\$225.7</u>	<u>-9.9%</u>	<u>\$229.1</u>	<u>1.5%</u>
Total GF Revenues	\$22,371.2	1.8%	\$23,341.7	4.3%	\$24,192.2	3.6%
<i>Lottery Profits</i>	\$628.8	-0.6%	\$616.2	-2.0%	\$622.3	1.0%

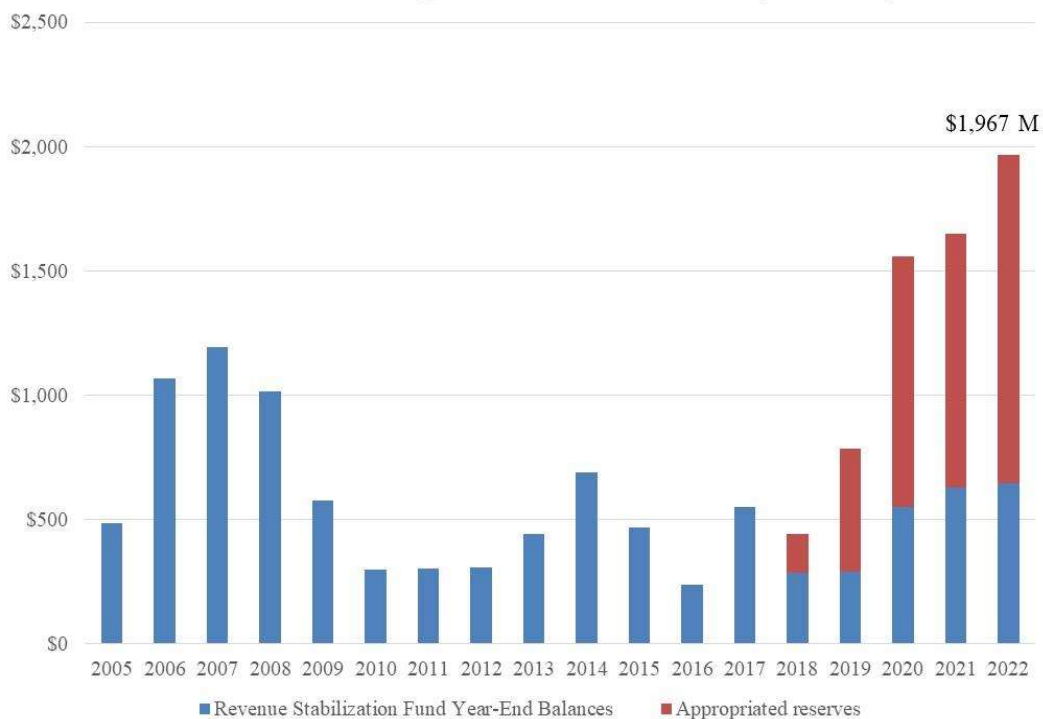
8

Federal Tax Reform Impacts Should Boost General Fund Revenues

		Estimated Revenue Impact (\$ Mil.)		
TCJA Impact:	<u>FY 19</u>	<u>FY 20</u>	<u>FY 21</u>	<u>FY 22</u>
Individual Income	\$466	\$444	\$467	\$493
State Tax Reform:				
\$110 S/\$220M Refund	(\$431)	n/a	n/a	n/a
50% Standard Deduction Increase, Unlimited Property Tax Deduction,	\$0	(\$415)	(\$277)	(\$284)
International GILTI and 20% Net Interest Deduction	(\$11)	(\$23)	(\$24)	(\$26)
Deconform Pease Limitation		\$108	\$73	\$76
Individual Remaining for GF	\$24	\$113	\$239	\$259
Business and International	<u>\$51</u>	<u>\$144</u>	<u>\$163</u>	<u>\$280</u>
Estimated TJCA Total for GF	\$76	\$257	\$402	\$539

9

State GF Proposed Reserves (\$ Mil.)



10

Proposed Non-General Fund Changes

- Lottery per pupil flexible K-12 allocation is backfilled with \$125.0 million from “Games of Skill” revenue from new legislation/regulations still forthcoming.
- Proposal to increase tobacco taxes by 30 cents per pack and other tobacco products tax to 20% of manufacturer’s sales price provide \$250 mil. per year in new revenue for health care.

Transportation proposals:

- 4 cent per gallon gas tax increase for three years, then indexed to inflation
- Eliminate \$20 annual vehicle inspections
- Reduce DMV registration fees by half
- Relieve GF from paying \$40 mil. per year Route 58 debt service

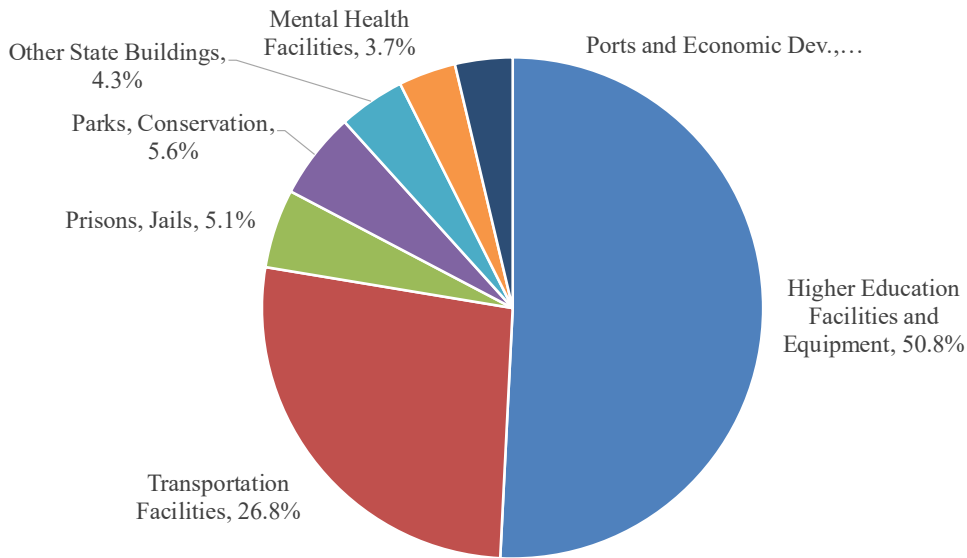
11

S&P: Top 10 Management Characteristics Of Highly Rated Credits In U.S. Public Finance

1. An established "rainy day"/budget stabilization reserve. **Moody’s** gives its highest rating in this category to states with **reserves above 8%**, with a formal process or demonstrated track record of restoring the reserve following depletion.
2. Regular economic and revenue updates to identify shortfalls early.
3. Prioritized spending plans and established contingency plans for operating budgets.
4. A formalized capital improvement plan in order to assess future infrastructure requirements.
5. **Long-term planning for all liabilities of a government, including pension obligations, OPEB and other contingent obligations and comprehensive assessment of future budgetary risks. S&P believes that local government fiscal difficulties can increase and become a funding challenge for the state.**
6. A formal debt management policy in place to evaluate future debt profile.
7. A pay-as-you-go financing strategy as part of the operating and capital budget.
8. A multiyear financial plan in place that considers the affordability of actions or plans before they are part of the annual budget.
9. Effective management and information systems.
10. A well-defined and coordinated economic development strategy.

12

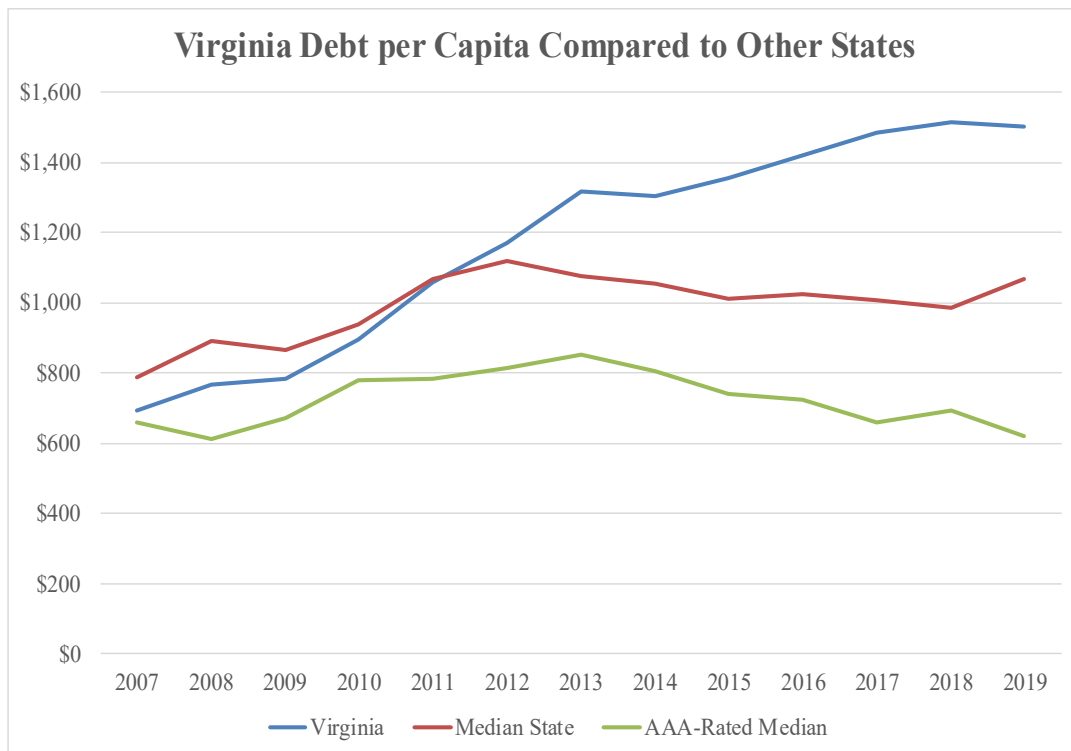
FY 2010-19 Tax-Supported Debt Issued - \$11.0 Bil.



\$5.0 bil. in currently authorized, but unissued debt. Governor proposing \$2.6 bil. in new debt authorization. DCAC increases 10 year avg annual capacity from \$671 mil. to \$765 mil. in new debt and still keep debt service under 5% of blended revenues (with 2 years of average capacity in reserve).

Source: Debt Capacity Advisory Committee Report to the Governor, Dec. 19, 2019

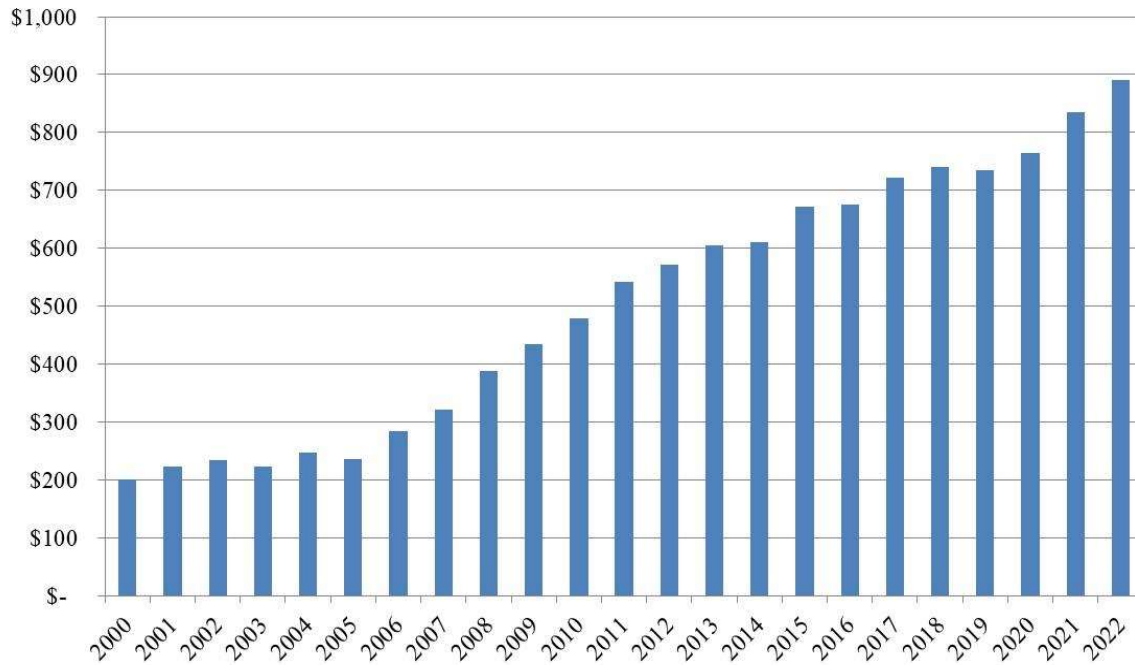
13



Source: Debt Capacity Advisory Committee Report to the Governor, Dec. 18, 2019

14

GF Debt Service Growth Resuming (\$ Mil.)



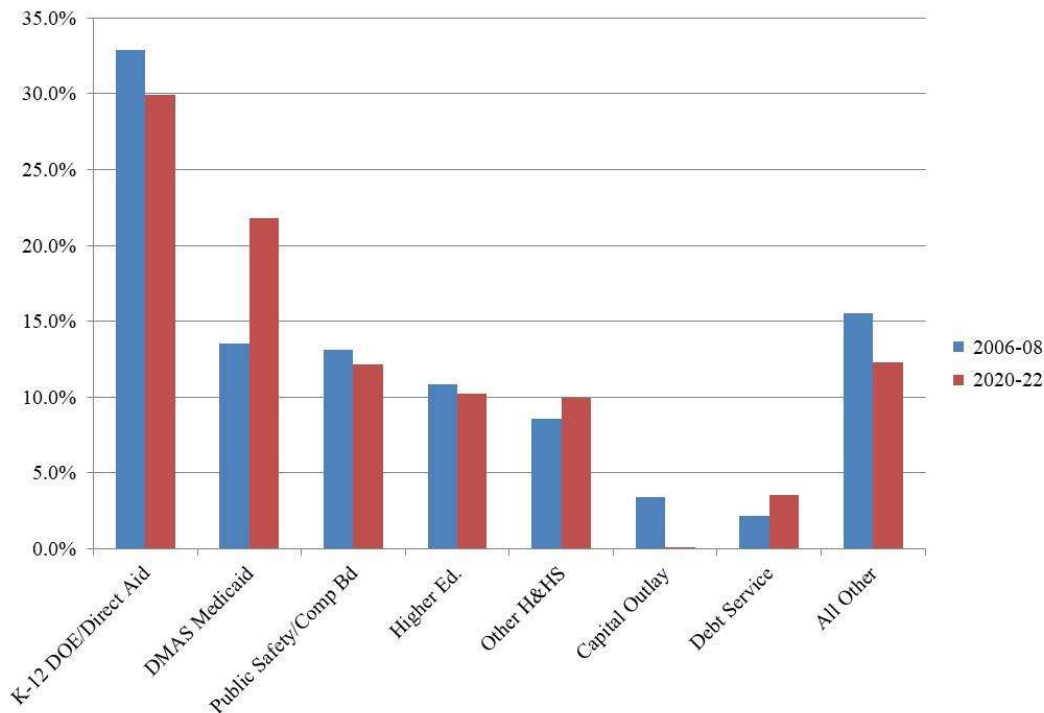
15

Budget Choices Reflected in Introduced Budget

	Intro	Intro	Change	Intro	Change
	FY 2020	FY 2021	Over Prior Yr.	FY 2022	Over Prior Yr.
Legislative and Executive	\$134.3	\$140.9	\$6.6	\$140.9	\$0.0
Judicial Dept.	\$511.8	\$527.8	\$16.0	\$531.6	\$3.8
Administration/Comp Board	\$740.1	\$784.3	\$44.2	\$787.6	\$3.3
Treasury Board Debt Service	\$764.9	\$834.2	\$69.3	\$890.3	\$56.1
Other Finance	\$182.1	\$166.2	(\$15.9)	\$166.3	\$0.1
Rainy Day Fund Deposit	\$262.9	\$77.4	(\$185.5)	\$17.5	(\$59.9)
Car Tax Reimbursement	\$950.0	\$950.0	\$0.0	\$950.0	\$0.0
Commerce and Trade	\$309.3	\$377.1	\$67.8	\$366.6	(\$10.5)
Agriculture / Nat. Resources	\$256.5	\$279.0	\$22.5	\$271.2	(\$7.8)
K-12 Education/DOE	\$6,612.2	\$7,052.7	\$440.5	\$7,382.1	\$329.4
Higher & Other Education	\$2,274.0	\$2,453.9	\$179.9	\$2,473.8	\$19.9
DMAS Medicaid	\$4,732.6	\$5,087.4	\$354.8	\$5,422.5	\$335.1
Other Health & Human Services	\$2,083.5	\$2,359.6	\$276.1	\$2,432.6	\$73.0
Public Safety & Veterans/HS	\$2,084.8	\$2,240.6	\$155.8	\$2,239.0	(\$1.6)
Transportation	\$41.0	\$1.0	(\$40.0)	\$1.0	\$0.0
Central Appropriations	\$293.6	\$207.0	(\$86.6)	\$254.3	\$47.3
Cash Reserve	\$493.6	\$0.0	(\$493.6)	\$300.0	\$300.0
Independent Agencies/Capital	\$3.3	\$29.8	\$26.5	\$6.8	(\$23.0)
Total GF Appropriations	\$22,730.5	\$23,568.9	\$838.4	\$24,634.1	\$1,065.2
Percent Change		3.7%		4.5%	

16

Change in Share of State General Fund Appropriations 2006-08 to the 2020-22 Biennium



17

Major Proposed K-12 Education Changes (\$1.2 Bil. Increase Over FY 20 Base Budget)

- \$743 mil. GF in re-benchmarking changes including changes in enrollment, composite index data, sales tax, lottery proceeds, and prevailing cost data.
- \$65 mil. GF for changes in the employer contribution rates for teacher retirement from 15.68 percent to 16.62 percent (as a result of lowering the investment rate assumption from 7.0% to 6.75%).
- \$145 million GF to increase salaries for funded SOQ instructional and support positions by 3.0 percent, effective July 1, 2021.
- Adds \$140 mil. GF to increase the “At-Risk Add-On” for educationally at-risk students with a basic aid boost up to 25 percent in FY 2022 (based on the concentration of free-lunch children).
- Provides \$99 mil. GF to lower the school counselor standard to one per 250 students in grades kindergarten through 12.
- Provides \$85 mil. GF to increase the Virginia Preschool Initiative (VPI) per pupil allocation to \$6,959 in FY 2021 and to \$7,655 in FY 2022, provide additional support for students on waitlists, and create a pilot program for at-risk three-year-olds.
- Provides \$25 mil. GF in additional ESL support.
- Add \$10 mil. GF to the school breakfast and lunch programs.
- Adds \$5 mil. GF for “no loss” funding to ensure no locality receives less than FY 20.
- Assumes \$125 mil. NGF for per pupil allocation payments to local school divisions from projected “Games of Skill” revenues.

18

Most Board of Education SOQ Policy Proposals (About \$850 M/Yr.) Were Not Funded

- **Consolidated At-Risk Add-on/Prevention-Remediation Fund in SOQ (\$131M)**
 - **BOE: Significant additional funding provided for new positions or teacher compensation to support at-risk students (not proposed by Governor).**
- **Increase ESL Teacher ratios depending on student proficiency levels (\$27m)**
- **School Counselors (\$88m) - Reaffirm 2016 recommendation of 1 to 250 students. 2019 GA partially funded recommendation.**
- Reaffirm 2016 recommendation to eliminate Support Position cap (\$372m minus “Specialized Student Support Personnel” item)
- Specialized Student Support Personnel (\$100m) - Employ at least 4 specialized student support positions per 1,000 students (social workers, psychologists, nurses)
- Teacher Leaders/Mentors (\$102m) - One per 15 teachers with 2 year’s experience and 1 per 50 with 3 or more years experience - 20% state prevailing salary boost.
- Elementary School Principals (\$8m) - Reaffirm 2016 recommendation to employ principal even under 300 students.
- Assistant Principals (\$84m)- Reaffirm 2016 recommendation to employ Assistant Principals for each 400 students.
- Reading Specialists (\$37m)
- Workbase Learning Coordinators and Reading Specialists (\$1m).
- Principal Mentor Programs (\$1m)

19

Using a Reduced VRS Discount Rate of 6.75% Has Budget Implications

	<u>Fiscal Year 2020</u>	<u>Fiscal Year 2021</u>			Current
Plan	7.0% Rate	7.0% Rate	6.75% Rate	Difference	Funded Status
State Employees	13.52%	13.12%	14.46%	1.34%	75.5%
SPORS	24.88%	23.88%	26.26%	2.38%	
VaLORS	21.61%	20.19%	21.88%	1.69%	
JRS	34.39%	27.76%	29.84%	2.08%	
Teachers	15.68%	15.00%	16.62%	1.62%	74.7%
Employer Contributions:					
General Fund	\$892,433,000	\$875,484,000	\$965,911,000	\$90,427,000	
Non- General Fund	\$1,125,674,000	\$1,112,072,000	\$1,229,994,000	\$117,922,000	

Source: VRS presentation to the Senate Finance Committee, Oct. 22, 2019

20

2020-22 Medicaid Spending Includes Additional \$690 Mil. in GF, Plus \$241 Mil. in New Tobacco Tax Revenues

<u>Fiscal Years</u>	<u>GF Annual Growth</u>
2000-2009	8.8%
2010-2015	6.2%
2016	9.3%
2017	7.2%
2018	5.5%
2019	4.8%
2020 Forecast*	-1.8%
2021 Forecast	7.6%
2022 Forecast	5.9%

* GF (incl. Health Care Fund) growth rate influenced by shift of certain individuals to lower Medicaid state expansion rate

21

Other Major H&HS Spending Proposals (Increases over FY 20 Base Budget)

- \$149 mil. to fund inflation and utilization For FAMIS and the Children's Health Insurance Programs and to reflect the decrease from 76.5 percent to 65 percent in FY 21 federal matching funds.
- \$56.6 million to continue the implementation of STEP-VA by adding funds for outpatient services, veterans services, peer support services, mobile crisis teams, and a hotline.
- \$49.8 million GF and \$15.9 million NGF for local departments of social services to hire staff and create prevention services departments in response to the federal Family First Prevention Services Act (FFPSA).
- Provides \$42 mil. GF for 1,135 new developmental disability waiver slots.
- Provides \$6.6 million GF in FY 20, \$18 million GF in FY 21, and \$26 million GF in FY 22 to fund Children's Services Act program growth.
- Addresses caseload growth in Part C/Early Intervention services by providing \$1.2 million GF in FY 2020, \$2.5 million GF in FY 2021, and \$3.9 million GF in FY 2022
- Provides \$20 mil. GF to support the temporary expansion of Catawba Hospital by 56 beds.
- Provides \$20 mil. GF to address overcrowding issues at state facilities by increasing the availability of community-based services for individuals determined clinically ready for discharge, with \$2.5 million each year available for the acquisition or development of clinically appropriate housing options.
- Increases provider payment rates for services delivered through the Developmental Disability (DD) waivers.
- Provides funding and authority to establish and implement changes to service definitions, prior authorization and utilization review criteria, provider qualifications, and reimbursement rates for select Medicaid behavioral health services.
- \$146.0 million for a health reinsurance program in central appropriations

22

Other Major Introduced Spending

(Increases over FY 20 Base Budget)

Finance

- \$2.6 bil. in new debt authorization authority to: 1) Maintain, construct and renovate state infrastructure and facilities; 2) Supplement shortfalls in earlier capital projects; 3) Build local water-related infrastructure projects; 4) Address equipment needs; and 5) Fund public-private partnerships
- \$171.7 million for increased GF debt service on bonds issued by the Virginia Public Building Authority and the Virginia College Building Authority.
- \$94.9 million for actual and projected mandatory deposits to the Revenue Stabilization Fund.
- \$300 mil. in FY 2022 voluntary reserve deposits.

Commerce and Trade

- \$56.0 million for deposit to the Virginia Housing Trust Fund bringing state support for the trust fund to \$30.0 million in FY 2021 and \$40.0 million in FY 2022.
- \$32.0 million to support the Virginia Telecommunication Initiative (VATI) bringing state support for the program to \$35.0 million in each year.
- \$16.0 million to meet the requirements of the Advanced Shipbuilding Production Facility Grant Program.
- \$10.0 million to establish a clean energy financing program consisting of a revolving loan fund and a loan loss reserve fund to support public and private sector projects.
- Provides \$6.6 mil. for an Eviction Prevention and Diversion Pilot Program.

23

Other Major Introduced Spending

(Increases over FY 20 Base Budget)

Natural Resources

- \$367 in new bond authorizations for:
 - \$182 million for the Stormwater Local Assistance Fund (SLAF)
 - \$120 million for the Water Quality Improvement Fund (WQIF) for publicly-owned treatment works
 - \$65 million for the City of Alexandria's combined sewer overflow (CSO) control project
 - \$10 million to accelerate oyster reef restoration
- \$47.0 mil. GF for the mandatory deposit to the Water Quality Improvement Fund (WQIF) associated with the FY 2019 year-end surplus.
- \$41.8 million for a supplemental deposit to the WQIF, including \$39.6 mil. designated for the Virginia Natural Resources Commitment Fund, of which \$35 mil. is for implementation of Agricultural Best Management Practices (BMP) and \$4.6 million is for the Soil and Water Conservation Districts to assist in the implementation of the BMPs.
- \$31.0 million for deposit to the Virginia Land Conservation Fund bringing total funding to \$20.0 million each year.
- \$20.0 million to support the Dam Safety, Flood Prevention, and Protection Assistance Fund.
- \$11.7 million to support positions, equipment, and contractual activities in air and water monitoring and compliance programs.

24

Other Major Introduced Spending

(Increases over FY 20 Base Budget)

Public Safety

- \$27.6 million to expand treatment of Hepatitis-C-positive offenders in correctional facilities.
- \$14.7 million for the Department of Corrections to address recruitment, retention, and salary compression issues by raising salaries of correctional officers, sergeants, captains, lieutenants, and majors.
- \$12.9 million general fund and 21 positions to implement an electronic healthcare records system in state correctional facilities. This funding will be added to \$7.0 million of existing base funding in DOC and \$6.0 million transferred from base funding in Central Appropriations.
- \$11.9 million for pilot collaborations between the Department of Corrections and two university healthcare systems (UVA and VCU) to provide services for state-responsible offenders.
- \$9.5 million for the Department of Corrections to cover projected increases in offender medical care costs.

Judicial

- \$9.5 million to support 59 additional public defenders to address high caseload demands in offices across the Commonwealth.
- \$5.6 million to fund an additional 60 district court clerk positions to address workload demands in courts across the Commonwealth.
- \$5.4 million to cover the costs of opening and operating a public defender's office in Prince William County. This is partial start-up funding to support 35 positions, including support staff.
- \$4.5 million to fund the anticipated cost increases associated with providing constitutionally mandated legal defense for indigent persons accused of crimes (Criminal Fund) in General District Courts.
- \$4.5 million to fund the anticipated cost increases associated with providing constitutionally mandated legal defense for indigent persons accused of crimes (Criminal Fund) in Juvenile and Domestic Relations District Courts.

25

Other Major Introduced Spending

(Increases over FY 20 Base Budget)

Administration

- \$5.6 million to fund salary increases for regional jail officers consistent with those received by deputy sheriffs during the 2018 Special Session to equalize the pay grade for all entry level correctional officers in local and regional jails.
- \$5.0 million to fully fund the reimbursement of general registrar and electoral board salaries to localities.
- \$4.9 million to annualize the cost of operating the Prince William/Manassas Adult Detention Center jail expansion project. The expansion was approved in Chapter 665, 2015 Acts of Assembly.
- \$3.8 million to adjust salaries of circuit court clerks to address pay equity with that of the district court clerk positions.
- \$2.8 million to fund 25% of unfunded Assistant Commonwealth's Attorneys and support staff standards. This amendment will provide 29 positions to address workload/body camera demands across various offices in the Commonwealth according to the staffing standards of the Compensation Board.

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Other Major Introduced Spending (Increases over FY 20 Base Budget)

Higher Education

- \$145.1 million to implement the “G3” program, which provides the full cost of tuition, fees, and books for students with a family income less than 400 percent of the federal poverty line enrolled in select pathways at two-year colleges.
- \$45.4 million for need-based financial aid for in-state undergraduate students spread to each of the institutions of higher education by separate amendments.
- \$22.0 million to support in-state enrollment growth and increases in transfer students at Old Dominion University.
- \$22.0 million to support in-state enrollment growth and increases in transfer students at George Mason University.
- \$15.0 million to support cancer research at Massey Cancer Center.

Central Appropriations

- \$200.0 million for uncommitted contingencies that may arise over the biennium.
- \$146.0 million for a reinsurance program intended to stabilize the rates and premiums for health insurance policies in the individual market and providing greater financial certainty to consumers of health insurance in the Commonwealth.
- \$66.6 million for the employer share of state employee health insurance premiums.
- \$32.2 million for the changes in employer contribution rates for state employee retirement. Funding is provided for the full contribution rates certified by the Virginia Retirement System Board based on the June 30, 2019, Virginia Retirement System valuation for 2021 and 2022.
- \$30.4 million for the continuation of the Commonwealth's commitment to the Tech Talent Pipeline Fund (Amazon HQ).

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Significant Items Not Included in the Introduced Budget

- State Employee Salary Increases
 - State Employees (Excluding College Faculty) 1%/yr. = \$26.0 mil.
 - State Supported Local Employees 1%/yr. = \$10.0 mil.
 - College Faculty 1%/yr. = \$10.0 mil.
- FY 21 SOQ K-12 Positions Salary 1% Increase = \$48.3 mil.
- No Funding Increases for State Aid to Local Police Departments
 - Grow at rate of GF revenues = \$8.0 mil. FY 21 and \$16.0 mil. FY22
- Full Funding of Constitutional Officer Standards
- No Increases in Jail per Diems

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Localities' Reduced Share of GF Has Stabilized

GF State Aid to Localities (\$ Mil.)					
	FY 2009	FY 2014	FY 2020 (i)	FY 2021 (i)	FY 2022 (i)
Direct Aid to K-12	\$5,607.6	\$5,240.3	\$6,547.7	\$6,971.5	\$7,304.4
K-12 % of Total GF Appropriations	35.2%	29.6%	28.8%	29.6%	29.7%
Health and Human Services	888.4	791.7	1,054.5	1,146.1	1,175.4
CSA	299.7	217.2	309.3	321.0	328.7
Community MH/SA Services	249.4	269.3	412.9	440.9	461.2
Local Social Services Staff	117.4	115.3	125.4	163.0	163.0
Community Health Programs	117.6	107.2	125.1	142.5	143.8
Welfare Services and Programs	104.3	82.7	81.8	78.7	78.7
Public Safety	734.3	687.9	763.8	789.1	791.7
Local Sheriffs Offices	406.1	411.3	465.3	489.5	492.1
Local Police Depts HB 599	197.3	172.4	191.7	191.7	191.7
Local Jail Per diem	80.1	59.4	59.1	59.1	59.1
Assistance for Juvenile Justice	50.8	44.8	47.7	48.8	48.8
Econ. Dev/Housing/Libraries/Envir.	54.6	55.9	121.8	156.3	166.3
Constitutional Officers	155.3	145.8	163.2	174.2	175.4
Dept. of Accounts Transfers	49.3	49.3	48.9	27.9	27.9
Car Tax	950.0	950.0	950.0	950.0	950.0
Aid-to-Locality Reduction	(50.0)	-	-	-	-
Total Local GF Aid	\$8,389.5	\$7,920.9	\$9,649.9	\$10,215.1	\$10,591.1
Total GF Appropriations	\$15,943.0	\$17,705.2	\$22,730.5	\$23,568.9	\$24,634.1
Local Aid % of Total GF	52.0%	44.1%	42.5%	43.3%	43.0%

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Introduced Budget State Per Pupil K-12 Direct Aid Funding
While Beginning to Rise, FY22 Real \$ Still \$136/Pupil Less Than FY09
 Inflation-Adjusted (CPI \$2005)

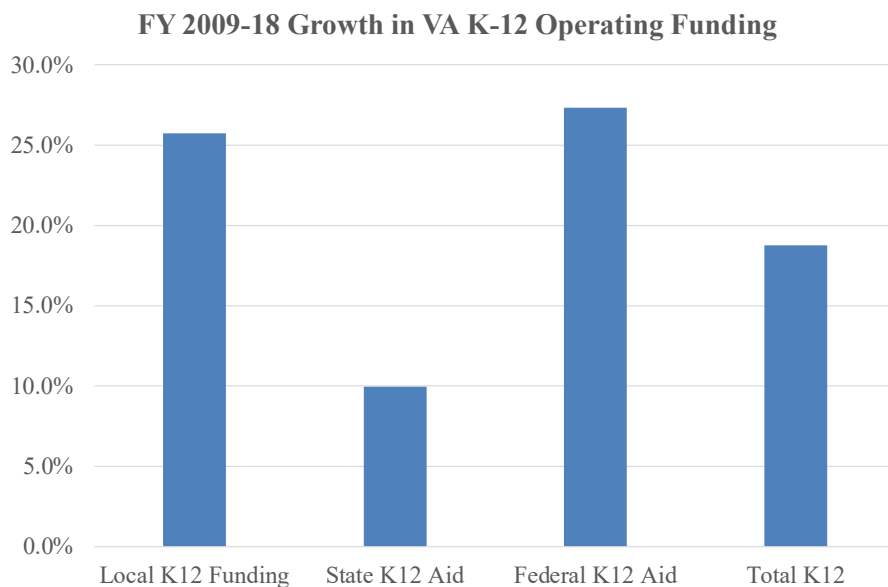


Includes \$50 mil. in FY 21 and \$75 mil. in FY 22 "Games of Skill" revenue

Source: Virginia DOE - http://www.doe.virginia.gov/school_finance/budget/calc_tools/index.shtml

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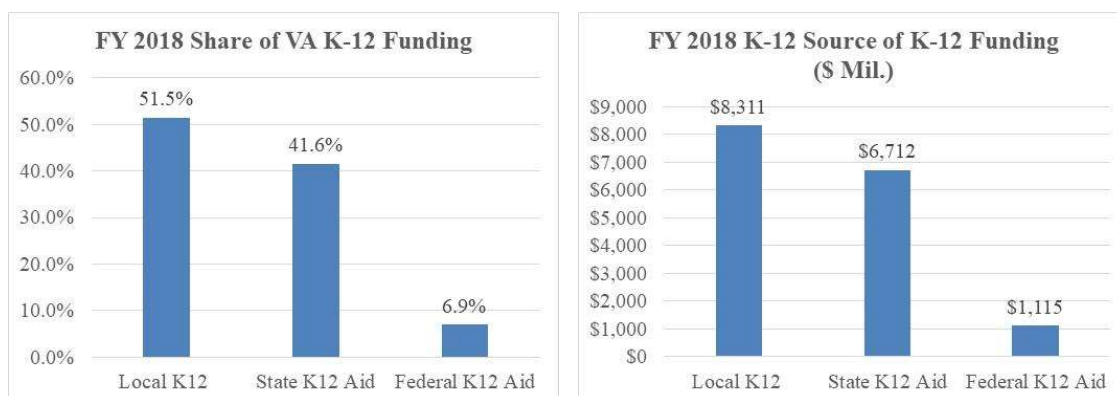
Local K-12 Expenditures Have Grown Much Faster Than State K-12 Aid Since FY 2009



Source: DOE Superintendents Annual Reports
http://www.doe.virginia.gov/statistics_reports/supts_annual_report/index.shtml

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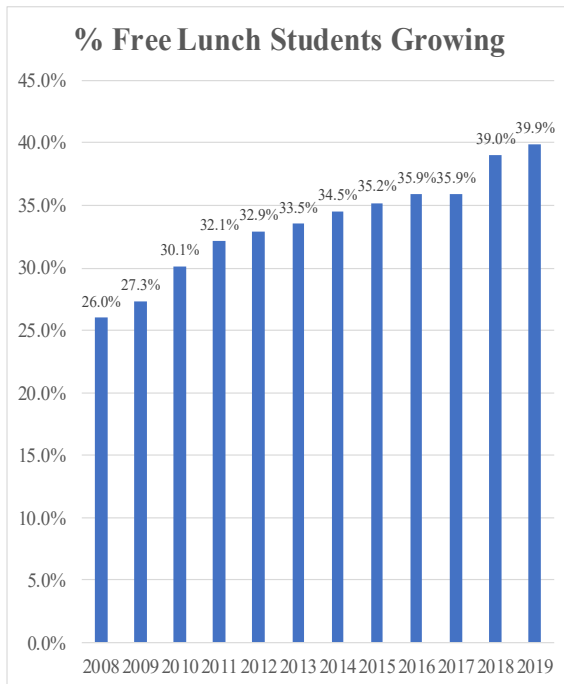
Local Government Is the Largest Source of K-12 Operating Funding in Virginia



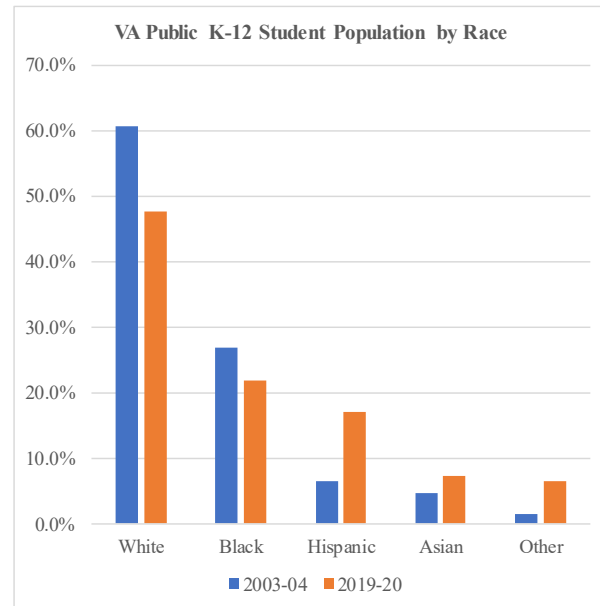
Source: DOE Superintendents Annual Reports
http://www.doe.virginia.gov/statistics_reports/supts_annual_report/index.shtml

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More Diverse Student Population to Educate



- Hispanic/Asian/Other Increased by 167% From SY 2004-20



Source: Virginia Dept. of Education

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FY 2019 Virginia Public School Construction and Renovation Costs (\$ Mil.)				
	<u>Number</u>	<u>Cost</u>	<u>Avg. Cost</u>	
New Elementary Schools	5	\$157.0	\$31.4	
New Middle Schools	4	\$198.0	\$49.5	
New High Schools	2	\$218.7	\$109.4	
New Combined or Other	1	\$81.5	\$81.5	
Additions/Renovations	40	\$425.4	\$10.6	
Total	57	\$1,080.6 mil.		

Source: http://www.doe.virginia.gov/support/facility_construction/school_construction/costs/

Note: While a few Literary Fund loans have been issued over the last year, most projects and interest rate subsidies have been on hold since the 2008 recession. Existing Priority List projects are old and most have already used other financing mechanisms. In the 2019 Session, the General Assembly provided \$5 million for a VPSA interest rate subsidy program guidelines being developed) and \$30 million for a Literary Fund loan program in fiscal year 2020 for projects that are on the Board of Education's First Priority Waiting List. If funding is available, projects on the Second Priority List can be addressed. Maximum Literary Fund loan is \$7.5 mil.

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Previous State Grants for School Construction Costs

- From fiscal years 1999-02, \$55.0 million per year was allocated for financial assistance for public school facilities. Funding reduced to \$27.5 million per year from fiscal years 2003-09.
 - Distributed based on “floor” funding of \$100,000 for each school division, with remainder of funds based on the division's proportion of enrollment weighted by the composite index.
 - Funds only for nonrecurring expenditures: school construction, additions and renovations, infrastructure, site acquisition, technology, and other expenditures related to modernizing classroom equipment, payments to escrow accounts, school safety equipment or renovations, and debt service payments on school projects completed during the last ten years.
- Direct school construction funding ended in FY 2010.

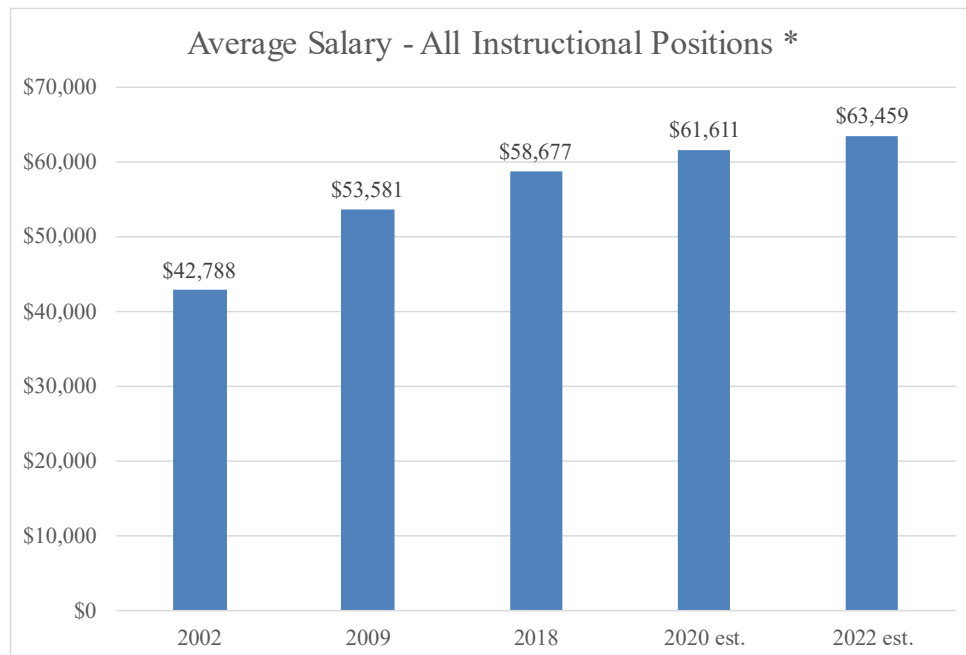
35

State-Funded Teacher Salary Increases Have Not Kept Pace With Inflation

Fiscal Year	State-Funded Salary % Increase	Compound State Salary Increase	Compound CPI Growth
2009	0.0%	0.0%	1.4%
2010	2.0%	2.0%	2.4%
2011	0.0%	2.0%	4.5%
2012	0.0%	2.0%	7.5%
2013	0.0%	2.0%	9.3%
2014	2.0%	4.0%	11.1%
2015	0.0%	4.0%	11.8%
2016	1.5%	5.6%	12.6%
2017	0.0%	5.6%	14.8%
2018	2.0%	7.7%	17.3%
2019	0.0%	7.7%	19.8%
2020	5.0%	13.1%	22.4%
2021	0.0%	13.1%	24.6%
2022	3.0%	16.5%	27.3%

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Instructional Pay Increases Have Slowed Since FY 2009



Source: Superintendent's Annual Report.

* All instructional positions (109,272 in FY 18) include classroom teachers, guidance counselors, librarians, principals, and assistant principals.

Note: Average instructional pay would have been \$61,979 in FY18 and \$67,285 in FY22, if grown at the rate of inflation since FY09.

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NEA Average Instructional Salaries by State vs Zillow Median Home Value Index

Rank		NEA AVG Instructional Salary - 2018	Rank		Zillow Home Value Index
	United States	\$62,760		U.S. Average	\$243,225
1	New York	\$84,384	1	Hawaii	\$636,451
2	California	\$80,680	2	District of Columbia	\$626,911
3	Massachusetts	\$80,357	3	California	\$554,886
4	Rhode Island	\$76,887	4	Massachusetts	\$422,856
5	Washington D.C.	\$76,486	5	Washington	\$409,228
6	Alaska	\$74,977	6	Colorado	\$397,820
7	Connecticut	\$74,517	7	Oregon	\$361,970
8	New Jersey	\$74,457	8	Utah	\$348,376
9	Maryland	\$73,572	9	New Jersey	\$335,607
10	Minnesota	\$69,461	10	New York	\$321,934
11	Pennsylvania	\$69,303	11	Maryland	\$308,041
12	Oregon	\$66,552	12	Nevada	\$301,753
13	Illinois	\$65,721	13	Alaska	\$300,889
14	Delaware	\$65,125	14	Rhode Island	\$300,808
15	Michigan	\$61,911	15	New Hampshire	\$290,163
16	Vermont	\$61,294	16	Idaho	\$285,982
17	Ohio	\$61,167	17	Virginia	\$285,229
18	Indiana	\$61,082	18	Montana	\$277,801
19	Wyoming	\$60,485	19	Arizona	\$268,765
20	Washington	\$60,005	20	Minnesota	\$256,857
21	Iowa	\$59,505	21	Connecticut	\$255,555
22	Georgia	\$59,185	22	Vermont	\$254,234
23	New Hampshire	\$57,883	23	Delaware	\$254,108

Source: <http://www.nea.org/assets/docs/2019%20Rankings%20and%20Estimates%20Report.pdf>

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24	Hawaii	\$57,866	24	Wyoming	\$250,890
25	Utah	\$57,854	25	Florida	\$245,169
26	Nevada	\$57,761	26	Maine	\$242,316
27	Montana	\$57,338	27	North Dakota	\$235,012
28	Texas	\$56,736	28	Texas	\$207,301
29	Colorado	\$56,010	29	South Dakota	\$205,567
30	Wisconsin	\$55,726	30	New Mexico	\$203,675
31	Kentucky	\$55,610	31	Illinois	\$202,675
32	North Dakota	\$55,242	32	North Carolina	\$202,215
33	Nebraska	\$54,377	33	Wisconsin	\$202,029
34	Virginia	\$54,122	34	Georgia	\$201,294
35	Maine	\$54,071	35	Pennsylvania	\$194,603
36	Tennessee	\$53,295	36	Tennessee	\$185,922
37	South Carolina	\$53,094	37	South Carolina	\$185,749
38	Louisiana	\$52,876	38	Nebraska	\$175,884
39	Alabama	\$52,285	39	Michigan	\$173,277
40	Arkansas	\$51,791	40	Louisiana	\$166,565
41	Missouri	\$51,647	41	Missouri	\$162,464
42	Idaho	\$51,475	42	Indiana	\$155,640
43	North Carolina	\$51,231	43	Iowa	\$152,885
44	Kansas	\$50,295	44	Kansas	\$150,657
45	New Mexico	\$49,634	45	Ohio	\$150,374
46	South Dakota	\$49,277	46	Kentucky	\$146,871
47	Arizona	\$48,723	47	Alabama	\$138,975
48	Florida	\$48,526	48	Oklahoma	\$128,934
49	Oklahoma	\$48,431	49	Arkansas	\$128,101
50	West Virginia	\$47,390	50	Mississippi	\$126,502
51	Mississippi	\$45,497	51	West Virginia	\$108,236

Note: Removing PD 8 (NoVa) - similar to Maryland instructional pay - would reduce VA state average about \$6,000, ranking Virginia in the bottom 5 states.

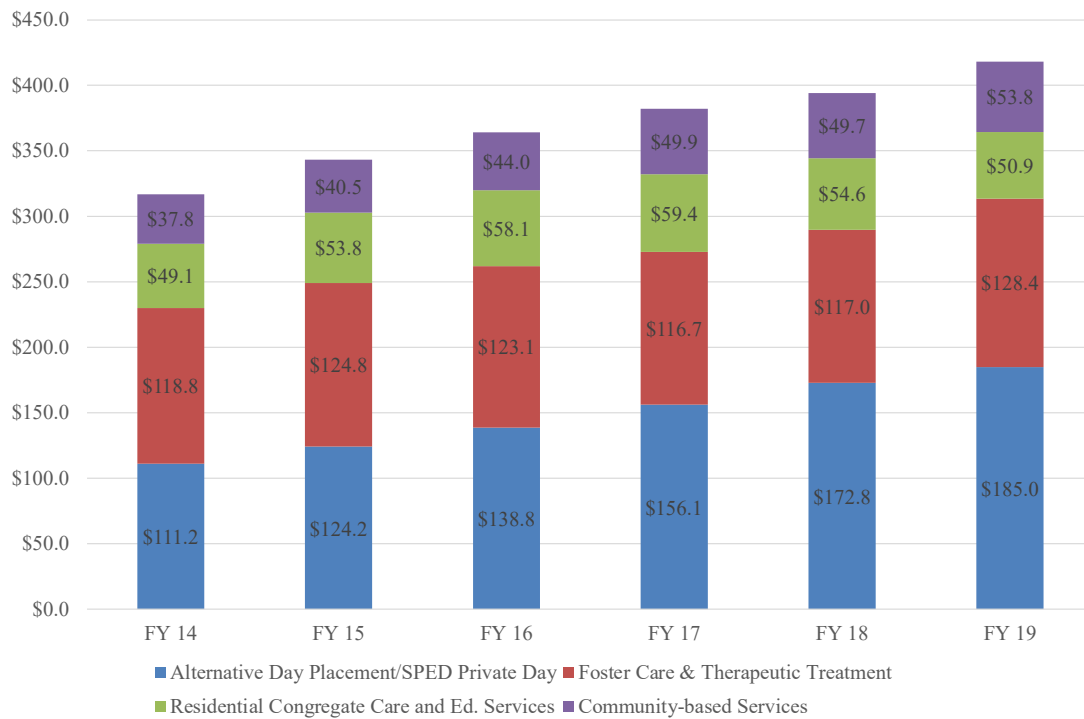
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State Aid for Local Law Enforcement Has Not Kept Pace With State Police or Local Expenditure Growth

Comparison of Law Enforcement Expenditures in Virginia (\$Mil.)						
	FY2000	FY2009	FY2022	% Growth FY 2000-09	% Growth FY 2009-22	% Growth FY 2000-22
Actual State Aid to Police (HB 599)	\$165.8	\$197.3	\$191.7	19.0%	-2.8%	15.7%
<i>HB 599 Distribution If By Statute</i>	<i>\$165.8</i>	<i>\$220.0</i>	<i>\$359.1</i>	<i>32.7%</i>	<i>63.2%</i>	<i>116.6%</i>
State GF Aid to Local Sheriffs	\$282.8	\$406.1	\$492.1	43.6%	21.2%	74.0%
State Police Appropriations	\$177.9	\$295.7	\$392.8	66.2%	32.8%	120.8%
Local Law Enforcement Expend.*	\$935.4	\$1,670.2	\$1,908.4	78.6%	14.3%	104.0%
<i>* Thru FY 2018</i>						

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CHILD SERVICES ACT EXPENDITURE GROWTH



41

Urban Street Maintenance Aid Needs a Revenue Infusion Similar to Secondary Road Maintenance Since 2013

	State Funding Growth Comparison			
	<u>2000-08</u>	<u>2008-13</u>	<u>2013-19</u>	<u>2000-19</u>
Total Urban Street Maintenance Payments	52.5%	15.6%	18.6%	75.2%
Total Urban Street Maintenance Payments per Lane-Mile	36.0%	12.1%	18.3%	73.5%
Total Secondary Maintenance Expenditures	37.6%	7.4%	50.0%	121.7%
Total Secondary Maintenance Expenditures Per Lane-Mile	33.8%	6.4%	47.3%	109.6%

42

State Transportation Revenue Growth Has Slowed Since 2013 Tax Increase Phase-in (\$ million)

<u>Fiscal Year</u>	<u>Motor Fuels</u>	<u>Vehicle Sales</u>	<u>Licenses</u>	<u>State Sales</u>	<u>Total CTF*</u>	<u>% Growth</u>
2010	\$830	\$444	\$230	\$491	\$2,305	
2011	\$844	\$501	\$238	\$477	\$2,369	2.8%
2012	\$833	\$547	\$236	\$503	\$2,438	2.9%
2013	\$822	\$589	\$246	\$521	\$2,494	2.3%
2014	\$660	\$789	\$249	\$823	\$2,806	12.5%
2015	\$723	\$855	\$245	\$995	\$3,137	11.8%
2016	\$861	\$919	\$253	\$1,001	\$3,356	7.0%
2017	\$872	\$958	\$260	\$1,020	\$3,452	2.9%
2018	\$857	\$944	\$259	\$1,044	\$3,457	0.1%
2019	\$857	\$979	\$266	\$1,088	\$3,555	2.8%

**Commonwealth Transportation Fund*

43

What Can the State Do to Help Alleviate Local Fiscal Stress?

- Equalize local taxing authority for counties with respect to meals taxes, transient occupancy, tobacco and admission taxes.
- Fund the Board of Education Standards of Quality recommendations or increase the state's 55% share of SOQ responsibility.
- Use future GF surpluses to help alleviate the VRS teacher retirement unfunded liabilities/rates and local school construction/renovation needs.
- Encourage small school division consolidation efficiencies using temporary state funding for salary equalization, early retirement incentives, and capital/renovation improvement funding.
- Increase the State Aid to Police Departments (HB 599) up to the levels prescribed by statute.
- Recognize age, complexity, and usage urban street maintenance needs.
- Increase jail per diems to recognize substance abuse and mental health costs.
- Help relieve Child Service Act local funding requirements.
- Provide full funding of constitutional officer staffing standards.
- More economic development incentives geared to stressed localities.

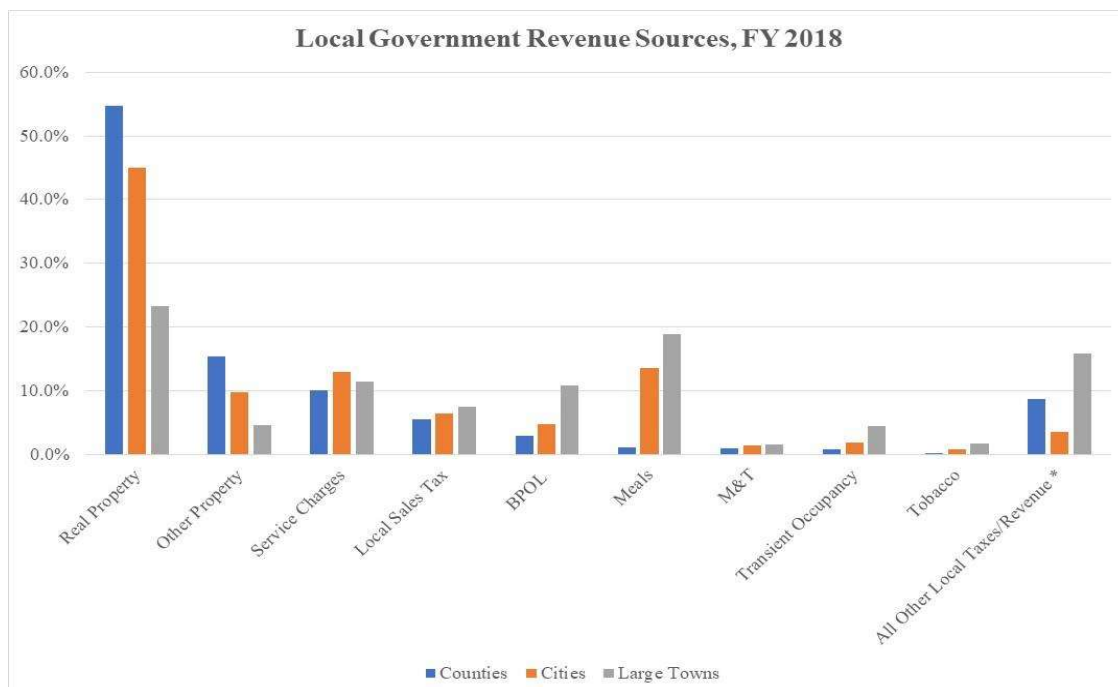
44

Stop State Incursions Into Local Finances

- **Balancing the state budget on the backs of local government.**
 - Re-writing the K-12 Standards of Quality when state revenues decline
 - Adding K-12 responsibilities without additional funding
 - Routinely substituting lottery funds for K-12 general funds
 - Requiring local governments to write checks back to the state.
 - Not delivering promised funding (e.g., statutory-based HB 599 Aid to Police)
 - Underfunding state mandated-locally provided services (jails, constitutional officers, community-based health and welfare services).
- **Shifting state responsibilities to local government**
 - Mandating employee benefits, such as VRS and OPEB, but requiring local government to pay most of the bill.
 - Shifting Line of Duty Act responsibility to locals and increasing benefits
- **Eroding local revenue sources**
 - Car tax reimbursement (limiting usefulness as a revenue source)
 - Real estate assessment appeals (e.g, attempts to alter assessment presumption of correctness)
 - Fines and Fees (remanding a portion to the state)
 - Real property tax exemptions (disabled veterans; surviving spouses; first responders killed in line of duty being considered)
 - Annual attempts to eliminate or limit BPOL, Machinery and Tools taxes
- **Not modernizing local revenue sources**
 - Communications sales tax (not capturing revenues from a changing industry as promised, (e.g., pre-paid wireless, streaming services))
 - Equal taxing authority between cities and counties
 - No sales taxes on services

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Counties Have a Greater Reliance on Property Taxes, Particularly Less on Meals



* Major "Other local taxes/revenue" includes consumer utility, motor vehicle licenses, recordation, bank stock, permits, fines, interest, rentals and sales

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Real Property Revenue Growth Has Required Sharply Rising Rates

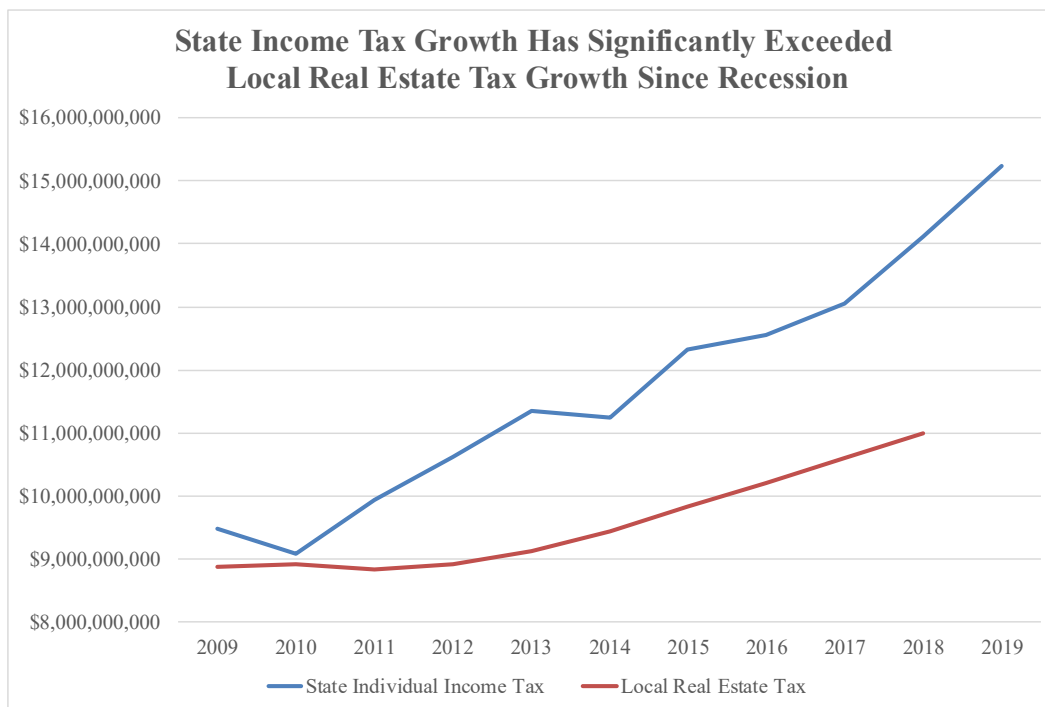
Median Real Property Tax Rates in Virginia Localities

	<u>CY 2009</u>	<u>CY 2018</u>	<u>Change</u>
Cities	0.90	1.09	0.19
Counties	0.55	0.69	0.14
Towns	0.18	0.17	-0.01

Note: From FY 2009-18 real property tax revenue grew 16.2% in cities and 26.4% for counties

Source: Weldon Cooper Center, "Virginia Local Tax Rates", 2009 and 2018

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Note: FY 2019 state income tax grew 7.9%; local property tax growth not yet available.

Median local property tax rates increased 19 cents in cities and 14 cents in counties since 2009

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Consider Increasing Sales Tax Revenue to Localities		
	<u>Rate</u>	
General Fund Unrestricted	2.025%	
Direct Public Education	1.375%	
<i>By School-Age Population</i>	<i>1.125%</i>	
<i>By SOQ Composite Index</i>	<i>0.250%</i>	
Transportation	0.900%	
<i>HMOF</i>	<i>0.669%</i>	
<i>Airports</i>	<i>0.012%</i>	
<i>Ports</i>	<i>0.021%</i>	
<i>Public Transit</i>	<i>0.149%</i>	
<i>Intercity Rail</i>	<i>0.050%</i>	
Total State Add'l Annual Sales Tax at 4.3%		
Local Gov't Unrestricted	1.00%	
Total Add'l Sales Tax at 5.3%	5.30%	
Regional 0.7% Sales Tax for Transp.	0.70%	
<i>Northern VA (32.4% of state)</i>		
<i>Hampton Roads (19.5% of state)</i>		
Historic Triangle 1.0%	1.00%	

Note: Halifax Co. recently succeeded raising local sales tax rate by 1% for K-12 school construction/renovation.
Other localities are trying to follow.

Governor Northam's Proposed 2020-22 Biennial Budget and Amendments to the 2018-20 Budget

*Presentation to the VML Finance Forum
January 6, 2020*



Joe Flores
Deputy Secretary of Finance
Commonwealth of Virginia
www.finance.virginia.gov

Outline

- Orientation to the 2020 Session
- Virginia's budget outlook...what happened?
- Overview of Governor's Budget Proposals
- Concluding Thoughts

Orientation to the 2020 Session

2019 Session (Looking Back)

- The General Assembly finished on time!
- How to address revenue windfall from the federal Tax Cuts and Jobs Act?
 - Provided significant tax relief (with time-limited revenues)
- What about spending priorities?
 - Fully funded the Medicaid forecast
 - Enhanced salary increases for state employees, state-supported locals, and teachers
 - Boosted general fund revenue reserves
- It was an election year!

Orientation to the 2020 Session *Review of Tax Policy Changes*

2019 Session (Looking Back)

- More than \$1.5 billion in tax relief was provided in fiscal years FY 2019-2022.

SB 1372/HB 2529	Tax Type	Fiscal Year - Preliminary Revenue Impact (\$ in millions)			
		2019	2020	2021	2022
Increase SD to \$4,500/\$9,000	Individual Income Tax		(\$359.7)	(\$235.7)	(\$236.9)
SALT and SD \$4,500/\$9,000 compared to SD to \$4,500/\$9,000	Individual Income Tax		(\$55.6)	(\$41.7)	(\$46.7)
Allow a subtraction for up to 20% of the disallowed net interest deduction (effective TY 2018, assumes no add-back)	Individual Income Tax	(\$2.0)	(\$1.8)	(\$1.8)	(\$2.1)
Total Individual Income Tax	Individual Income Tax	(\$2.0)	(\$417.1)	(\$279.2)	(\$285.8)
Allow a subtraction for up to 20% of the disallowed net interest deduction (effective TY 2018, assumes no add-back) - Corporate Income Tax	Corporate Income Tax	(\$22.6)	(\$16.2)	(\$16.9)	(\$17.6)
Allow a GILTI subtraction (effective TY 2018)	Corporate Income Tax	(\$7.1)	(\$5.4)	(\$5.5)	(\$5.8)
Total Corporate Income Tax	Corporate Income Tax	(\$29.7)	(\$21.6)	(\$22.4)	(\$23.4)
SB 1372-Impact		(\$31.7)	(\$438.7)	(\$301.5)	(\$309.2)
Revenue to be transferred to the Taxpayer Relief Fund in Fiscal Year 2019 and in the General Fund through 2022.		\$500.5	\$5.2	\$165.2	\$183.3
Estimated Cost of the Refunds to be Issued in October, 2019: Non-refundable credit equal to \$110/\$220 for single/married taxpayers; effective only for TY 2018 for taxpayers who file by July 1, 2019		-	(\$431.0)		

Orientation to the 2020 Session

What we were thinking this summer

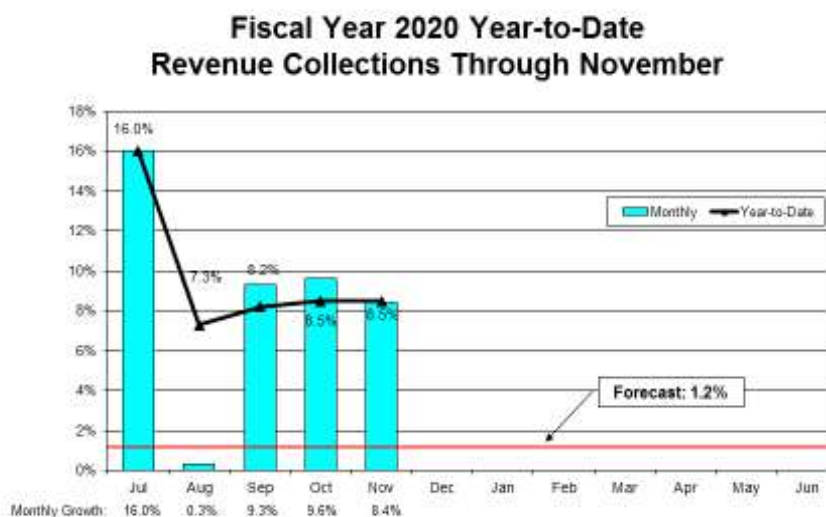
- **Perception that the Commonwealth is awash in revenue.**
 - We finished FY 2019 with a large surplus – almost \$800 million.
 - But most of the extra revenue was anticipated.
 - TCJA revenues
 - Nonwithholding (i.e., estimated tax payments)
- **Will general fund revenue growth be enough to fund current obligations?**
 - Revenues from withholding and sales taxes appear to be slowing.
 - Revenue growth of 3 to 4 percent may generate \$1.5 billion for the 2020-22 biennium.
 - How much will it cost to fully-fund the Medicaid forecast or Rebenchmark the Standards of Quality?
- **We're now in the longest economic expansion in history.**
 - Can it continue?
 - Warning signs have started to flash.
 - The stock market is on a roller coaster ride.
- **Will the federal government be in a position to help states if the economy slows down?**
 - The federal debt exceeded \$22 trillion this year.
 - Will the federal government even want to help?

4

Orientation to the 2020 Session

What actually happened – Revenues came in strong

- Perception that the Commonwealth is awash in revenue.



- Total general fund revenues increased 8.4 percent in November.
 - Broad-based growth in payroll withholding, sales, and recordation tax collections.
- On a year-to-date basis, total revenues increased 8.5 percent, ahead of the annual forecast of a 1.2 percent increase.

Orientation to the 2020 Session

What actually happened – Medicaid spending slowed

- **Will general fund revenue growth be enough to fund current obligations?**
 - Yes.
 - We're currently projecting a balance of \$563.0 million at the end of this fiscal year.
 - Continued strength in general fund revenue growth -- 4.3 percent in FY 2021 and 3.6 percent in FY 2022 – will help meet current obligations.
 - Projected Medicaid spending on health and long-term care services for pregnant women, children, the elderly, and disabled is less than expected.
 - Freed up more \$200 million in GF spending in FY 2020.
 - Lower GF forecast ripples through biennial budget.
 - Even with slightly higher K-12 rebenchmarking figures, there are sufficient revenues to fund many of the Governor's priorities.

6

Orientation to the 2020 Session

What actually happened – a mixed bag

- **We're now in the longest economic expansion in history.**
 - Can it continue? *It has but slower growth is anticipated.*
 - Warning signs have started to flash.
 - The stock market is on a roller coaster ride. *Stocks finished strong!*
- According to the second estimate, real GDP **grew** at an annualized rate of 2.1 percent in the third quarter of 2019, up from 2.0 percent in the second quarter.
- Payroll employment **increased** by 266,000 jobs in November and gains for September and October were revised higher by a combined 41,000.
- The national **unemployment rate fell** to 3.5 percent in November.
- Initial **claims for unemployment fell** by 10,000 to 203,000 during the week ending November 30.
- The Conference Board's **index of consumer confidence fell** 0.6 points in November to 125.5. Expectations rose, while the current conditions index fell.
- The Conference Board's **index of leading indicators fell** 0.1 percent in October following a revised decline of 0.2 percent in September.
- Conditions in the **manufacturing sector contracted** in November. The Institute of Supply Management index fell from 48.3 to 48.1.

7

Orientation to the 2020 Session

What actually happened – stay tuned...

- **Will the federal government be in a position to help states if the economy slows down?**
 - The federal debt exceeded \$22 trillion this year.
 - Will the federal government even want to help?

8

Fall Budget Development

- **While the official budget process began in late August...**
 - ... the Secretary of Finance led efforts this summer to review a subset of state agency budgets.
 - Department of Behavioral Health and Developmental Services (DBHDS)
 - Department of Corrections (DOC)
 - Department of Housing and Community Development (DHCD)
 - Department of Environmental Quality (DEQ)
 - We also made numerous site visits during 2019 to better understand the Commonwealth's operating and capital needs.
- **During the budget process we asked agencies to scour their budgets for projected savings.**
 - We will likely revisit that process in the fall of 2020
- **If we can free up even 1% of current general fund spending, that's \$240 million each year.**

Goals of the Governor's budget

Strengthen fiscal integrity by increasing reserve balances, improving fiscal liquidity, and maintaining structural balance

Fund mandates, commitments, and core services

Invest to expand Virginia's economy by:

- strengthening Virginia's educational system
- investing in broadband and workforce development
- maintaining our commitment to economic development

Improve citizen quality of life through:

- expanding access to healthcare, maternal health, behavioral health services, child welfare, and housing assistance
- improving infrastructure with investments in water quality and clean energy
- enhancing public safety, election security, and emergency preparedness

Caboose Bill Actions (FY2018-20 Biennium)

- 24 amendments increase general fund spending by \$376.2 million. Examples include:
 - \$270.8 million voluntary deposit to the Revenue Reserve; and
 - \$21.1 million due to enrollment increases in K-12.
- 15 amendments decrease spending by \$396.5 million. Examples include:
 - \$211.7 million reduction in projected spending on Medicaid; and
 - \$44.4 million from the Virginia Health Care Fund that is used as general fund match for the Medicaid program.

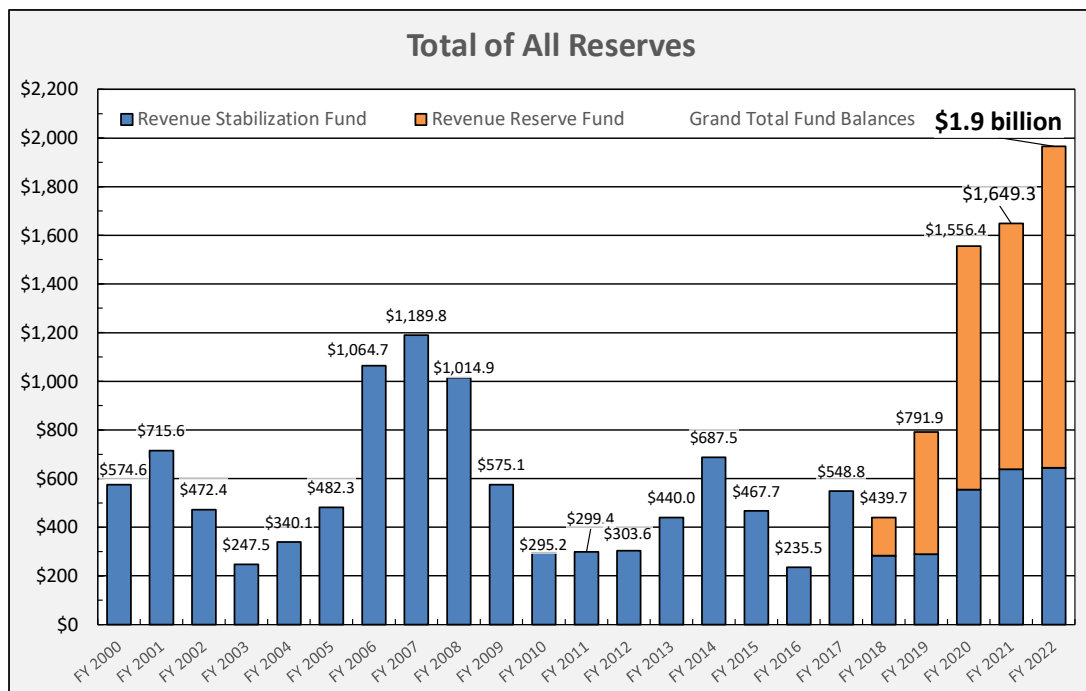
The combined impact is a net decrease in operating spending of \$20.4 million, compared to the current biennial budget (Chapter 854).

The Governor proposes net new “spending” of \$4.0 billion from the general fund for the 2020-22 biennium

- 331 amendments totaling \$4.7 billion increase general fund spending including:
 - Updates to K12 education for Standards of Quality re-benchmarking and enrollment increases;
 - Updates to Medicaid utilization and inflation;
 - **Deposits to the Revenue Stabilization Fund and the Revenue Reserve;**
 - New education investments for school counselors, early childhood, teacher salaries, and “G3”; and
 - Revisions in funding for other forecast-based expenditures, core services, and priority needs as well as technical transfers.
- 56 amendments totaling \$720.2 million decrease general fund spending including:
 - Savings from increases in transportation revenues to offset general fund expenses;
 - Savings from increases in tobacco tax revenues to offset general fund expenses in Medicaid, which allowed the establishment of a health reinsurance program; and
 - Realization of savings associated with VITA's new service provider model as well as technical transfers.

12

By the Close of FY 2022, Total Reserves Are Estimated To Be **\$1.9 Billion**, Exceeding 8% of Total Revenues

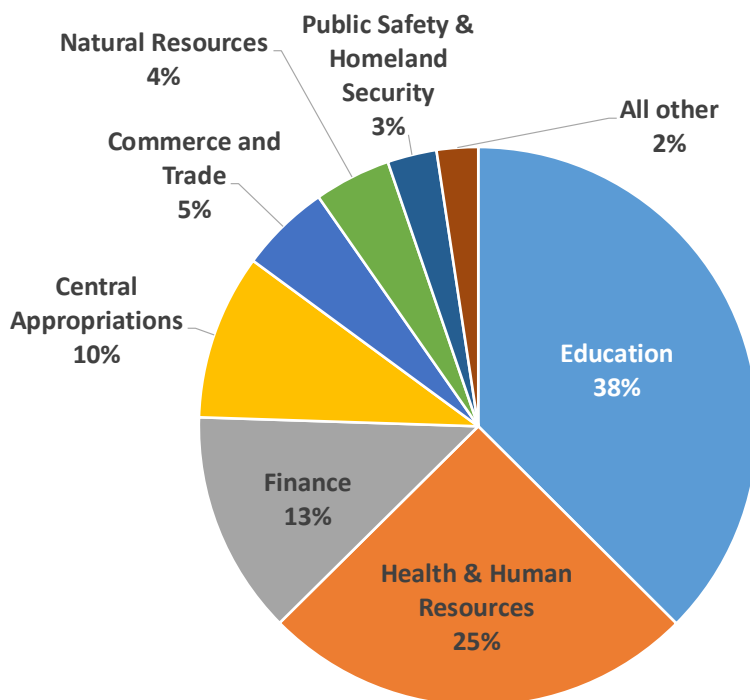


The Governor's budget includes \$17.5 million in FY2022 as a reserve for a potential mandatory deposit to the Revenue Stabilization Fund in FY2023.

13

More Than One-Third of New Spending Targeted to Education

Governor's Proposed 2020-22 Biennial Budget



14

K-12 Public Education – \$1.3 billion GF increase

- **K-12 highlights include:**
 - **\$808.5 million** to update the state cost of Direct Aid to Public Education for the 2020-2022 biennium. Funded across 18 separate amendments that address changes in enrollment, fringe benefits, composite index data, sales tax, prevailing cost data, and other technical revisions supporting Standards of Quality and other related education programs.
 - **\$145.1 million** to increase salaries for funded Standards of Quality instructional and support positions by 3.0 percent, effective July 1, 2021.
 - **\$99.3 million** for additional school counselors. The first amendment provides \$42.6 million for the school counselor staffing ratios authorized in the Standards of Quality by the 2019 General Assembly and a second amendment provides \$56.7 million to lower the standard to one school counselor per 250 students in grades kindergarten through 12.
 - **\$94.7 million** to maximize pre-kindergarten access for at-risk three- and four-year-old children, to attract and retain early childhood educators in hard-to-serve preschool classrooms, and to increase pre-kindergarten classroom observations and teacher professional development.
 - **\$52.6 million** to support educationally at-risk students. Additionally, \$87.8 million of Lottery Per Pupil payments are reallocated to the At-Risk Add-On program. The per pupil allocation is backfilled with \$125.0 million from “Games of Skill” revenue.

Higher Education and Other Education – \$261.2 million GF increase

- **Higher Education and Other Education highlights include:**
 - **\$145.1 million** to implement the “G3” program, which provides the full cost of tuition, fees, and books for students with a family income less than 400 percent of the federal poverty line enrolled in select pathways at two-year colleges.
 - **\$45.4 million** for need-based financial aid for in-state undergraduate students spread to each of the institutions of higher education by separate amendments.
 - **\$22.0 million** to support in-state enrollment growth and increases in transfer students at Old Dominion University.
 - **\$22.0 million** to support in-state enrollment growth and increases in transfer students at George Mason University.
 - **\$15.0 million** to support cancer research at Massey Cancer Center.
 - The remaining amendments provide a total increase in spending of \$67.7 million, which is offset by the transfer of \$56.0 million from the Virginia Research Investment Fund to the new Virginia Innovation Partnership Authority for a total **net increase of \$11.7 million**.

16

Health & Human Resources – \$1.0 billion GF increase

- **Health & Human Resources highlights include:**
 - **\$675.0 million** for the most recent forecast of increases in Medicaid costs. \$2.2 billion of nongeneral fund appropriation is also provided.
 - **\$80.2 million** for the FAMIS program to address increases in the forecast expenditures and to reflect the loss of enhanced federal matching dollars as the CHIP match rate decreases from 76.5 percent to 65 percent in federal FY 2021.
 - **\$68.3 million** for the Children's Health Insurance Program to fund the latest forecast and reflect the loss of enhanced federal matching dollars as the CHIP match rate decreases from 76.5 percent to 65 percent in federal FY 2021.
 - **\$56.6 million** to continue the implementation of STEP-VA by adding funds for outpatient services, veterans services, peer support services, mobile crisis teams, and a hotline.
 - **\$49.8 million** from the general fund and **\$15.9 million** in nongeneral funds to fund local departments of social services to hire staff and in response to the federal Family First Prevention Services Act (FFPSA).
 - The remaining amendments in Health and Human Resources total **\$96.2 million**, which reflects the substitution of the tobacco tax revenue (Health Care Fund) for general fund in Medicaid.

17

Finance – \$528.9 million GF increase

- **Finance highlights include:**

- **\$300.0 million** for a voluntary deposit to the Revenue Reserve Fund. With this deposit, the combined balance of the Revenue Reserve Fund and the Revenue Stabilization Fund will exceed eight percent of FY 2022 general fund revenue from income and sales tax.
- **\$171.7 million** for increased debt service on bonds issued by the Virginia Public Building Authority and the Virginia College Building Authority.
- **\$94.9 million** for actual and projected mandatory deposits to the Revenue Stabilization Fund.
- **\$2.4 million** to support 14 new field auditor positions in the Department of Taxation.
- **\$1.4 million** to support the addition of eight worker misclassification auditors in the Department of Taxation.
- The remaining amendments in Finance result in a **net savings of \$41.5 million**, which includes replacing general fund support with transportation revenues for debt service payments for the Northern Virginia Transportation District and the Oak Grove Connector project.

18

Central Appropriations – \$390.9 million GF increase

- **Central Appropriations highlights include:**

- **\$200.0 million** for uncommitted contingencies that may arise over the biennium.
- **\$146.0 million** for a reinsurance program intended to stabilize the rates and premiums for health insurance policies in the individual market and providing greater financial certainty to consumers of health insurance in the Commonwealth.
- **\$66.6 million** for the employer share of state employee health insurance premiums.
- **\$32.2 million** for the changes in employer contribution rates for state employee retirement. Funding is provided for the full contribution rates certified by the Virginia Retirement System Board based on the June 30, 2019, Virginia Retirement System valuation for 2021 and 2022.
- **\$30.4 million** for the continuation of the Commonwealth's commitment to the Tech Talent Pipeline Fund.
- The remaining amendments in Central Appropriations result in a **net savings of \$84.3 million** for the biennium due primarily to information technology savings.

19

Commerce and Trade – **\$213.2 million GF increase**

- **Commerce and Trade highlights include:**
 - **\$56.0 million** for deposit to the Virginia Housing Trust Fund bringing state support for the trust fund to \$30.0 million in FY 2021 and \$40.0 million in FY 2022.
 - **\$32.0 million** to support the Virginia Telecommunication Initiative (VATI) bringing state support for the program to \$35.0 million in each year.
 - **\$16.0 million** to meet the requirements of the Advanced Shipbuilding Production Facility Grant Program.
 - **\$10.0 million** to establish a clean energy financing program consisting of a revolving loan fund and a loan loss reserve fund to support public and private sector projects.
 - **\$8.2 million** for the Special Workforce Grant Program to meet the requirements of the Special Workforce Grant Program established in Section 59.1-284.30, Code of Virginia.
 - The remaining amendments in Commerce and Trade total **\$91.0 million**, which includes the funds transferred from other entities to the new Virginia Innovation Partnership Authority.

20

Natural Resources – **\$181.4 million GF increase**

- **Natural Resources highlights include:**
 - **\$47.0 million** for the mandatory deposit to the Water Quality Improvement Fund (WQIF) associated with the FY 2019 year-end surplus.
 - **\$41.8 million** for a supplemental deposit to the Water Quality Improvement Fund (WQIF). Of the amount provided, \$39.6 million is designated for the Virginia Natural Resources Commitment Fund, a subfund of the WQIF, of which \$35.0 million is for the implementation of Agricultural Best Management Practices (BMP) and \$4.6 million is for the Soil and Water Conservation Districts to assist in the implementation of the BMPs.
 - **\$31.0 million** for deposit to the Virginia Land Conservation Fund bringing total funding to \$20.0 million each year.
 - **\$20.0 million** to support the Dam Safety, Flood Prevention, and Protection Assistance Fund.
 - **\$11.7 million** to support positions, equipment, and contractual activities in air and water monitoring and compliance programs.
 - The remaining amendments in Natural Resources total **\$29.9 million**.

21

Natural Resources – \$367.0 million in bonds

- **The introduced budget also includes significant funding for local water quality and supply projects including up to:**
 - **\$182.0 million** for the Stormwater Local Assistance Fund for grants to address:
 - new stormwater best management practices;
 - stormwater best management practice retrofits;
 - stream restoration;
 - low impact development projects;
 - buffer restoration; pond retrofits; and
 - wetlands restoration.
 - **\$65.0 million** for the Combined Sewer Overflow Matching Fund; and
 - **\$120.0 million** for Nutrient Removal Grants to address discharges in the Chesapeake Bay watershed.

22

Public Safety & Homeland Security – \$116.8 million GF increase

- **Public Safety & Homeland Security highlights include:**
 - **\$27.6 million** to expand treatment of Hepatitis-C-positive offenders in correctional facilities.
 - **\$14.7 million** for the Department of Corrections to address recruitment, retention, and salary compression issues by raising salaries of correctional officers, sergeants, captains, lieutenants, and majors.
 - **\$12.9 million** and 21 positions to implement an electronic healthcare records system in state correctional facilities. This funding will be added to \$7.0 million of existing base funding in DOC and \$6.0 million transferred from base funding in Central Appropriations.
 - **\$11.9 million** for pilot collaborations between the Department of Corrections and two university healthcare systems (UVA and VCU) to provide services for state-responsible offenders.
 - **\$9.5 million** for the Department of Corrections to cover projected increases in offender medical care costs.
 - The remaining amendments in Public Safety and Homeland Security total **\$40.3 million**.

23

Administration – \$40.4 million GF increase

- **Administration budget highlights include:**
 - **\$5.6 million** to fund salary increases for regional jail officers consistent with those received by deputy sheriffs during the 2018 Special Session to equalize the pay grade for all entry level correctional officers in local and regional jails.
 - **\$5.0 million** to fully fund the reimbursement of general registrar and electoral board salaries to localities.
 - **\$4.9 million** to annualize the cost of operating the Prince William/Manassas Adult Detention Center jail expansion project. The expansion was approved in Chapter 665, 2015 Acts of Assembly.
 - **\$3.8 million** to adjust salaries of circuit court clerks to address pay equity with that of the district court clerk positions.
 - **\$2.8 million** to fund additional Assistant Commonwealth's Attorneys and support staff positions. This amendment will provide 29 positions to address workload demands across various offices in the Commonwealth according to the staffing standards of the Compensation Board.
 - The remaining amendments in Administration total **\$18.2 million**.

24

Judicial – \$31.5 million GF increase

- **Judicial highlights include:**
 - **\$9.5 million** to support 59 additional public defenders to address high caseload demands in offices across the Commonwealth.
 - **\$5.6 million** to fund an additional 60 district court clerk positions to address workload demands in courts across the Commonwealth.
 - **\$5.4 million** to cover the costs of opening and operating a public defender's office in Prince William County. This is partial start-up funding to support 35 positions, including support staff.
 - **\$4.5 million** to fund the anticipated cost increases associated with providing constitutionally mandated legal defense for indigent persons accused of crimes (Criminal Fund) in General District Courts.
 - **\$4.5 million** to fund the anticipated cost increases associated with providing constitutionally mandated legal defense for indigent persons accused of crimes (Criminal Fund) in Juvenile and Domestic Relations District Courts.
 - The remaining amendments in the Judicial Branch total **\$1.9 million**.

25

Veterans & Defense Affairs – \$8.3 million GF increase

- **Veterans & Defense Affairs highlights include:**

- **\$5.0 million** the first year to construct the Virginia Veteran's Parade Field at the site of the future National Museum of the United States Army. This appropriation will be matched with private funding.
- **\$2.3 million** and three positions for an information technology system, mental health support positions, benefits positions, facility maintenance expenses, and salary increases for staff in the Northern Virginia region.
- **\$1.0 million** over the biennium in additional tuition assistance funding that would be available under the State Tuition Assistance Program (STAP).

26

Agriculture and Forestry – \$4.4 million GF increase

- **Agriculture and Forestry highlights include:**

- **\$1.0 million** to establish hardwood forest habitat program.
- **\$0.9 million** to support the commercialization of industrial hemp in the Commonwealth.
- **\$0.9 million** to achieve the state's tree planting and forest conservation commitment in support of the Phase III Watershed Implementation Plan.
- **\$0.5 million** for three positions to enhance the food safety inspection program.
- **\$0.4 million** for two positions to enhance audit and verification of contractor-applicators of fertilizer to nonagricultural property.
- The remaining amendments in Agricultural and Forestry total **\$683,238**.

27

Other General Fund Spending – ***\$12.9 million GF increase***

- **Other highlights include:**

- **\$1.2 million** to fund the Office of the Chief Diversity Officer.
- **\$1.2 million** to fund the Office of the Chief Workforce Advisor.
- **\$1.1 million** to fund the cost of staffing and workload improvement measures in the Office of the Secretary of the Commonwealth.
- **\$9.4 million** in the Virginia Workers' Compensation Commission for forensic evidence collection and medical care of sexual assault victims.

In addition to the above spending, **\$80.0 million** in general fund appropriations are reduced from transportation to eliminate general fund support for the U.S. Route 58 Corridor Development Fund and replace it with support from the Commonwealth Transportation Fund.

28

Concluding Thoughts

- The Governor's proposed budgets are the first act of a multi-act play.
- The Governor will maintain an open door policy to listen to concerns about his proposals.
- Changes in leadership and staff positions in the General Assembly will translate to additional work for the Administration but also stakeholders.
- It's an election year...again!

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- *Contact information:*

K. Joseph Flores
Deputy Secretary of Finance
804.692.2575
joe.flores@governor.virginia.gov

Key House and Senate Member Budget Amendments for Fairfax County 2020 General Assembly

2020-2022 BIENNIUM BUDGET

Support

Local Vehicle Registration Fees

House: Item 438 #2h (McQuinn)

Senate: Item 438 #2s (Marsden)

Allows local governments to continue to impose local vehicle registration fees at the current level (\$40.75) regardless of any changes in the state fee resulting from legislation adopted in the 2020 General Assembly session. Currently, state law allows localities to enact a local vehicle registration fee and levy an amount up to the maximum state rate. HB 1414 (Filler-Corn) / SB 890 (Saslaw) propose cutting the state annual vehicle registration fee by half; they also include provisions allowing localities to impose the fee up to the state level that is currently in place. (*Amendment requested by VACo.*)

Metro Service Increases

House: Item 442 #5h (Watts)

Ensures the Commonwealth Transportation Board (CTB) has the flexibility to increase the allocation for the Washington Metropolitan Area Transit Authority (WMATA) in response to service increases approved by the WMATA Board.

Cost of Competing Adjustment (COCA) for K-12 Support Positions

House: Item 145 #3h (Delaney)/ Item 145 #26h (Helmer)

Senate: Item 145 #26s (Bell)/ Item 145 #22s (Stuart)

Provides \$24.8 million GF in FY 2021 and \$25.9 million GF in FY 2022 to increase the percentage rate for Standards of Quality funded support positions from 10.61 percent to 24.61 percent for the nine Planning District 8 school divisions (and from 2.65 percent to 6.15 percent for the nine adjacent school divisions). Numerous members of the Fairfax County delegation signed on as co-patrons to the amendments sponsored by Delegate Delaney and Senator Bell.

House: Item 479 #8h (Delaney)

A companion budget amendment submitted by Delegate Delaney offsets the above COCA amendment with some of the \$100 million GF the Governor set aside in each year for GA priorities.

K-12 Support Position Cap

House: Item 136 #1h (Mugler)

Senate: Item 136 #1s (Deeds)/Item 136 #2s (Lucas)

Directs the Secretary of Education and the Secretary of Finance, in consultation with the appropriate legislative committee chairs, to develop a plan to eliminate the cap on recognition of support positions in the Standards of Quality and revert to recognition of staffing levels in accordance with prevailing local practice. The plan must be submitted before the next legislative session, including a schedule for full elimination of the cap by FY 2025. Fairfax County's 2020 Legislative Program includes support for eliminating this cap, which places an artificial limitation on the number of support positions that the state recognizes; these positions, such as school social workers and IT professionals, play an important role in the operation of a school system. (*Amendment requested by VACo.*)

House: Item 145 #23(h) (Davis)

Senate: Item 145 #8s (Barker)/ Item 145 #10s (Ebbin)

Removes certain student support positions, such as school psychologists and school social workers, from the support cap and provides \$100 million GF in each year for the state's share of funding staffing for these positions based on prevailing local practice, as was done before the imposition of the cap. (*Amendment requested by VACo.*) *Item 145 #8h (Heretick)/Item 145 #28h (Hayes)/Item 145 #7s (Spruill)/Item 145 #9s (Boysko) are similar.*

Aid to Localities with Police Departments

House: Item 408 #1h (Avoli)

Senate: Item 408 #1s (Marsden)

Provides \$8.6 million GF in FY 2021 and \$16 million GF in FY 2022 to the "HB 599" program, which provides aid to localities with police departments. Virginia law requires that HB 599 funding increases at the same rate as growth in state General Fund revenue collections, and these amendments would ensure HB 599 funding increases to match the GF increases in the 2020-2022 biennium budget. (*Amendment requested by VACo.*)

Community Services Board (CSB)

House: Item 322 #5h (Bulova)

Senate: Item 322 #3s (Boysko)

As part of Medicaid expansion, the Department of Behavioral Health and Developmental Services (DBHDS) planned to reduce state funding to all CSBs; the reduction for the Fairfax-Falls Church CSB was \$1.69 million (\$11 million statewide) in FY 2019 and \$4.36 million (\$25 million statewide) in FY 2020, based on the assumption that the CSB would receive increased revenue as a result of newly eligible Medicaid participants. Though the Fairfax-Falls Church CSB signed up more than 1,060 newly eligible individuals for Medicaid, the reduction still exceeded the amount of revenue generated. In FY 2020, DBHDS provided a one-time payment of \$1 million to the Fairfax-Falls Church CSB, to address the FY 2019 reduction, pursuant to a provision in the budget passed by the 2019 GA. FY 2020 data for the Fairfax-Falls Church CSB indicates that revenue generated will also be less than the \$4.36 million reduction, similar to statewide projections. These budget amendments would provide \$9.25 million GF in each year to cover the difference between the \$25 million statewide reduction and the amount of Medicaid revenue that CSBs statewide will collect.

House: Item 322 #8h (Samirah)

Provides \$3.1 million GF in each year to address the aforementioned reduction specific to the Fairfax-Falls Church CSB.

Developmental Disability Waiver Slots

House: Item 313 #8h (Sickles)

Senate: Item 313 #19s (Barker)

Provides \$21.7 million GF in FY 2021 and \$43.5 million GF in FY 2022 and federal Medicaid matching funds in each year to increase the number of Medicaid Community Living waiver slots by 414 and the number of Medicaid Family and Individual Supports waiver slots by 1,654 over the biennium. The additional slots would serve those on the Priority One waiting list.

Stormwater

House: Item C-70 #1h (Lopez)

Provides an additional \$9 million in bond proceeds in each year for the Stormwater Local Assistance Fund (SLAF), which is utilized to assist localities in meeting stormwater best management practices required to reduce water quality pollutant loads and meet the water quality requirements of the Chesapeake Bay Watershed Implementation Plan.

Virginia Housing Trust Fund

House: Item 113 #1h (Lopez)

Provides \$20 million GF in FY 2021 and \$10 million GF in FY 2022 for the Virginia Housing Trust Fund.

Communications Sales and Use Tax (CSUT) Trust Fund

House: Item 3-1.01 #1h (Plum)

Senate: Item 3-1.01 #3s (Ebbin)

The budget passed in 2018 directed that \$2 million per year be diverted from the CSUT Trust Fund into the state General Fund. Localities strongly objected to this action, as the Trust Fund represents revenues held in trust for localities. This amendment provides \$2 million each year in additional money from the CSUT to localities. (*Amendment requested by VACo.*)

Libraries

House: Item 247 #1h (Sickles)

Provides an additional \$2.75 million GF in FY 2021 and \$5.5 million GF in FY 2022 to increase state aid to local libraries.

Mason Neck State Park

House: Item 374 #4h, 5h, 6h (Tran)

Provides approximately \$400,000 GF in each year for more staff, \$1.8 million GF in FY 2021 for connection to the public water supply, and \$200,000 GF in FY 2021 and \$50,000 GF in FY 2022 to provide broadband internet connectivity for Mason Neck State Park.

Senate: Item 374 #8s, 5s, 9s (Surovell)

Provides approximately \$522,000 GF in each year for more staff (7 positions), \$2.8 million GF in FY 2021 for connection to the public water supply, and \$200,000 GF in FY 2021 and \$50,000 GF in FY 2022 to provide broadband internet connectivity for Mason Neck State Park.

Turning Point Suffragist Memorial

House: Item 385 #16h (Tran)

Senate: Item 385 #6s (Ebbin)

Provides \$250,000 GF in FY 2021 for the Turning Point Suffragist Memorial to be built on the historic prison grounds at Occoquan Regional Park in Lorton, Virginia. The Senate amendment directs that this funding be provided to NOVA Parks for the construction of the memorial.

Oppose

Regional Funding

House: Item 430 #3h (LaRock)

Directs the Commonwealth Transportation Board to transfer management of the commuter choice program (revenues generated on I-395 and I-66 Inside the Beltway Express Lanes) from the Northern Virginia Transportation Commission/ Potomac and Rappahannock Transportation Commission

(NVTC/PRTC) to the Northern Virginia Transportation Authority (NVTA) following the development of the FY 2020 program of projects.

I-66 Tolling

House: Item 450 #2h (LaRock)

Directs the Virginia Department of Transportation (VDOT) to implement "reverse commuter" tolling on I-66 "Inside the Beltway" coincident with the completion of the I-66 widening project, which will add an additional travel lane on eastbound I-66 from the Dulles Connector Road to Fairfax Drive (Exit 71).

Time Limitations on Highway Construction

House Item: 447 #3h (Cole, J.)

Directs \$292 million in each year from the General Fund to effectuate the provisions of HB 283 (2020), which limits construction and maintenance on highways between 6:00 am and 6:00 pm.

Monitor

Workgroup on Body Worn Cameras

Senate: Item 391 #1s (Dunnavant)

Continues the expanded workgroup conducted under the Secretary of Public Safety and Homeland Security in FY 2020, in order to continue to evaluate workload, fiscal, and policy impacts of body worn cameras within public safety and judicial agencies. The budget amendment requires that the workgroup include representatives of the Supreme Court, the Compensation Board, staff of the House Appropriations and Senate Finance and Appropriations Committees, Department of Criminal Justice Services, Commonwealth's Attorneys, and local governments.

COCA for K-12 Support Positions

Senate: Item 145 #1s (Deeds)

Provides \$4 million GF in FY 2021 and \$4.3 million GF in FY 2022 to fund the addition of Charlottesville and Albemarle to the 100 percent COCA program.

FYI

Review of Drainage Outfalls from Roads

House: Item 430 #2h (Tyler)

Senate: Item 430 #1s (Lucas)

Requires the Secretaries of Transportation and Natural Resources to evaluate the scope of drainage outfalls originating from Virginia Department of Transportation (VDOT) maintained roads and make recommendations to address the issue.

Transportation Project Funding

As has been the case in recent years, numerous budget amendments have been introduced to provide funding for projects, service, or studies outside of existing formulas and prioritization processes, including (but not limited to):

- Providing \$2 million from the General Fund in FY 2020 for the evaluation of enhanced public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base

Quantico in Prince William and Stafford Counties. *House: Item 442 #3h (Guzman)/Senate: Item 442 #1s (Surovell)*

- Requiring the Department of Rail and Public Transportation (DRPT) to evaluate the feasibility and fiscal impact of increased off-peak service for the Virginia Railway Express. *House: Item 442 #4h (Carter)*
- Providing \$2 million from the General Fund in FY 2020 to conduct an evaluation of the need for enhanced public transportation services along Columbia Pike (running southwest from the Pentagon Metrorail Station to Annandale, connecting to the Silver Line through Route 7 and connecting with the West Falls Church Metrorail Station). *House: Item 442 #7h (Hope)*
- Providing \$200,000 for VDOT to study traffic congestion on US Route 50 between I-66 in Fairfax County and U.S. Route 15 in Loudoun County and to develop options for improvements. *House: Item 447 #9h (Subramanyam)*
- Providing \$4.4 million in each year to reduce VRE passenger fares by ten percent. *House: Item 443 #1h (Carter)*
- Providing \$10.9 million in each year to reduce VRE passenger fares by 25 percent. *House: Item 443 #2h (Carter)*
- Requiring DRPT to evaluate the cost of extending VRE service to Gainesville. *House: Item 443 #6h (Roem)*
- Providing \$70 million over the biennium from the General Fund to replace the Kings Highway Bridge, which was closed in 2005. *House: Item 447 #6h (Jenkins)*
- Dedicating \$80 million in the first year for replacement of the Robert O. Norris Bridge from any new revenues generated for the Commonwealth Transportation Fund pursuant to SB 890 / HB 1414 (2020) prior to any allocation of revenues for other transportation purposes or formula distributions. *Senate: Item 449 #1s (McDougle)*

Toll Facility-Related Provisions

Several budget amendments have been introduced to reduce impacts of various toll facilities, including:

- Providing \$2.3 million in each year from the General Fund to effectuate the provisions of HB 1245 (2020), which prohibits the Department of Motor Vehicles from charging individuals an additional fee to register their vehicle due to outstanding toll violations if those violations occurred in the Midtown or Downtown tunnels connecting Norfolk and Portsmouth. *House: Item 436 #1h (Jenkins)*
- Providing \$2.5 billion in FY 2020 from the General Fund to buy out the contract for the Elizabeth River Toll pursuant to pending legislation. *House: Item 452 #3h (Scott)*
- Providing \$2 million in each year from the General Fund to enact the provisions of HB 429 (2020), which exempts public school teachers, firefighters, or emergency medical services personnel from paying tolls when traveling between home and work. *House: Item 452 #4h (Scott)*

Local Maintenance Payments

House: Item 451 #2h (McQuinn)/ Item 451 #3h (Bulova)/ Item 451 #4g (Governor Northam)

Senate: Items 451 #1s (Marsden)/ Item 451 #2s (McClellan)/ Item #451 #3s (Hanger)/ Item 451 #7g (Governor Northam)

Provides additional funding for local street maintenance payments to localities that maintain their own roadways.

Disposable Bags, Single-Use Plastic and Expanded Polystyrene Products Legislation in the 2020 General Assembly

Overview of Legislation

A number of bills have been introduced at the 2020 General Assembly relating to disposable bags, single-use plastic and expanded polystyrene products.

- **SB 11** (Ebbin) would authorize a locality to impose a five-cent tax per bag on disposable paper or plastic bags, with certain exemptions. The bill allows retailers that collect the tax to retain one cent of the five-cent tax.
- **SB 26** (Petersen) would impose a five-cent per bag tax on plastic bags, with certain exemptions, 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 would also allow retailers that collect the tax to retain one cent of every five cents collected.
- **SB 193** (Favola) would authorize a locality to ban or impose a five-cent tax on single-use plastic and expanded polystyrene products, with certain exemptions. A locality could only ban single-use plastic and polystyrene products that have a suitable, cost-effective compostable or recyclable alternative. The bill would also allow restaurants or retailers that collect the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner.
- **SB 198** (Locke) would authorize a locality to ban the distribution, sale, or offer for sale of disposable plastic shopping bags, with certain exemptions.
- **HB 534** (Carr) would authorize 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 would be collected by the Tax Commissioner and distributed monthly to the locality imposing the tax to be used for the mitigation of pollution and litter. The bill would also allow every retailer that collects the tax to retain one cent of the five-cent tax.
- **HB 1151** (Lopez) would authorize 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 would also authorize 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. Revenue from the tax would be used by the locality for cleanup or education programs designed to reduce waste. The bill would allow restaurants or retailers that collect the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner.
- **HB 1673** (Ware) would allow localities to impose a five-cent per bag tax on plastic bags provided to customers by retailers in grocery stores, convenience stores, or drugstores, with certain bags being exempt from the tax. The bill would also require a retailer to provide recycling receptacles at its place of business for such disposable plastic bags. The

bill would allow retailers that collect the tax to retain one cent of every five cents collected. All revenues from the tax would be deposited in equal sums into the Virginia Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund.

Research on Effective Strategies to Discourage Use of Disposable Bags

The bills propose different mechanisms to discourage the use of disposable bags – authorization of a ban, authorization of a tax, and authorization of a ban or tax. Surrounding jurisdictions, such as Washington, D.C. and Montgomery County, have instituted a tax on disposable bags, while eight states, including California and New York, have instituted a ban.

Both bans and taxes have proven effective in discouraging disposable shopping bags in jurisdictions throughout the U.S. Bans, however, tend to have unintended consequences that are not as prevalent in jurisdictions with taxes. Economist Rebecca Taylor (University of Sydney) studied the impact on unregulated disposable bags in jurisdictions in California, after bans had been introduced on plastic shopping bags. Taylor found that bans tend to increase demand for unregulated disposable bags, such as trash bags. In the California jurisdictions that Taylor studied, sales of 4-gallon trash bags rose by 120 percent in the 12 months after a plastic shopping bag ban was introduced. Taylor estimates that about 30 percent of the plastic that was eliminated from the ban returned in the form of thicker garbage bags. Use of disposable paper bags rose as well, contributing about 80 million pounds of extra paper trash per year.

In addition to the rise in sales of unregulated plastic bags, loopholes often exist in disposable bag bans that can be taken advantage of by retailers, manufacturers and consumers. When Chicago implemented a ban on plastic bags 2.25 mils or thinner in 2015, certain retailers began offering thicker disposable plastic bags at checkout counters. Chicago ultimately replaced its bag ban with a 7-cent tax in 2017.

Economists such as Taylor and Tatiana Homonoff (New York University) favor policies that impose taxes for disposable bags, both paper and plastic. Such policies have proven effective in jurisdictions such as Washington, D.C. According to a survey conducted by the District Department of Energy and Environment, 79 percent of businesses and 80 percent of residents were using fewer disposable bags three years after implementation. Survey results indicated that residential use was down on average from ten disposable bags per week to four. D.C.'s bag tax has proven effective on the environmental front as well. The Alice Ferguson Foundation, which supports watershed cleanup events within D.C., reported a 72 percent drop in plastic bag litter in D.C. watersheds after four years of implementation. Additionally, the tax revenue funds a number of watershed education programs, stream restorations, trash collection projects, and purchases of reusable bags for low-income residents.