

# **Virginia General Assembly**

## **2019 Session Summary**



**Virginia Division of Legislative Services**



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# Introduction

This publication presents a summary of legislation considered by the Virginia General Assembly at its 2019 Regular Session through adjournment sine die on **February 24, 2019**. Detailed information on any piece of legislation in Virginia may be found on the Virginia Legislative Information System (<http://lis.virginia.gov>).

Bill summaries are organized by alphabetical subject areas that correspond to titles in the Code of Virginia. Bills that affect more than one Code title have been placed under the dominant subject area of the legislation. Bills that do not amend the Code of Virginia are also listed under the subject headings.

Within each subject heading, the bills are further differentiated as *Passed or Failed*. Passed bills are subject to review and veto by the Governor; thus, some of the bills listed as passed in this volume may be amended and some may not become law. Bills that have been vetoed by the Governor or that have received Governor's amendment recommendations and may be acted upon by the General Assembly at the Reconvened Session on April 3, 2019, include such notation accordingly. The General Assembly sometimes incorporates provisions from one bill into another bill, so even if a bill has failed, one or more of its provisions may exist in legislation that has been passed. If a summary indicates that a bill must be reenacted by the 2020 Session of the General Assembly, its provisions will not become effective on July 1, 2019, unless the bill is amended at the Reconvened Session to remove that requirement.

Five special categories of legislation follow the bills listed by subject area: constitutional amendment resolutions, other resolutions, miscellaneous noncodified bills (including the budget, claims, and bonds), charter bills, and study resolutions.



# Administration of Government

## Passed

**HB1629 Virginia Public Procurement Act; request for proposals; publication.** Removes the requirement for newspaper publication of Requests for Proposals for professional services. The bill also requires a local public body to post a Request for Proposal on the Department of General Services' central electronic procurement website when it elects not to publish such Request for Proposal in a newspaper of general circulation in the area in which the contract is to be performed.

*Patron - Fowler*

**HB1668 Virginia Public Procurement Act; high-risk contracts; report.** Requires the Department of General Services (DGS), the Virginia Information Technologies Agency (VITA), and the Office of the Attorney General, as appropriate, to review contract solicitations and contracts for any public contract with a state public body for goods, services, insurance, or construction that meets the definition of high-risk contract provided in the bill. The bill directs DGS and VITA to develop guidelines for state agencies to use when assigning staff to administer high-risk contracts and requires that such guidelines (i) provide that any staff designated as a contract administrator must have prior contract administration experience and (ii) direct an agency's chief procurement officer to communicate to such contract administrator, when he first assumes his role, his responsibilities for effectively administering the contract. Some provisions of the bill have a delayed effective date for implementation for certain high-risk contract review processes.

*Patron - Carr*

**HB1772 Virginia Freedom of Information Advisory Council; advisory opinions; evidence in civil proceeding.** Provides that any officer, employee, or member of a public body alleged to have willfully and knowingly violated the Virginia Freedom of Information Act who acted in good faith reliance upon an advisory opinion issued by the Virginia Freedom of Information Advisory Council may introduce such advisory opinion as evidence that the alleged violation was not made willfully and knowingly. The bill contains technical amendments. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Mullin*

**HB1916 Employment; break to express breast milk.** Requires the Department of Human Resource Management to develop state personnel policies that provide break time for nursing mothers to express breast milk. Such policies shall require an agency to provide (i) a reasonable break time that, if possible, runs concurrently with any break time already provided for an employee to express breast milk for her nursing child after the child's birth each time such employee has need to express the breast milk and (ii) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public and that may be used by an employee to express breast milk.

*Patron - Yancey*

**HB1963 Fort Monroe Authority; definition of Area of Operation.** Changes the definition of "Area of Operation" for purposes of the Fort Monroe Authority to mean land owned by the Commonwealth at Fort Monroe. The current

definition refers to lands acquired from the federal government by the Fort Monroe Authority. This bill is identical to SB 1131.

*Patron - Helsel*

**HB1964 Virginia Freedom of Information Act; meeting exemption for the Fort Monroe Authority.** Creates an exemption from the open meeting requirements of the Virginia Freedom of Information Act for discussion or consideration by the Board of Trustees of the Fort Monroe Authority of matters relating to specific gifts, bequests, and grants from private sources. This bill is identical to SB 1090.

*Patron - Helsel*

**HB1965 Fort Monroe Authority; payments to the City of Hampton in lieu of real property taxes.** Provides that, for real estate leased by the Fort Monroe Authority (the Authority) to a private owner, such real estate shall be taxed by the City of Hampton as if it were privately owned and billed directly to the lessee. However, if the lease term is less than 20 years, Hampton shall bill the Authority. The bill provides that the Authority and its lessees may use existing procedures for contesting assessments and taxes. Current law provides that land owned by the Authority is subject to a fee in lieu of real property taxes, but is silent on the treatment of land leased by the Authority to a private party. The bill contains technical amendments. This bill is identical to SB 1089.

*Patron - Helsel*

**HB2021 Virginia Investment Partnership Act; Virginia Investment Performance Grants; Virginia Economic Development Incentive Grants; reauthorization.** Reauthorizes the Virginia Investment Performance Grant Program and the Virginia Economic Development Incentive Grant Program by providing each an additional portion of funds that may be paid out on or after July 1, 2019.

*Patron - James*

**HB2055 Department of Human Resource Management; review of employee recruitment, retention, and compensation; report.** Requires the Director of the Department of Human Resource Management to perform an annual review of recruitment and retention trends and certain statuses related to classified job roles across state agencies. The bill also provides for the Director to biennially, on or before September 1 of each odd-numbered year, submit a report to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance on (i) the classified job roles that should receive higher salary increases based on identified recruitment and retention challenges, (ii) the appropriate amount by which the salary of such classified job roles should be increased, and (iii) cost estimates for funding any salary increases.

*Patron - Carr*

**HB2071 Virginia Public Procurement Act; job order contracting; limitations.** Changes the maximum allowable sum of all jobs performed in a one-year contract term for job order contracts by increasing such maximum from the current amount of \$5 million to \$6 million on July 1, 2019. The bill also provides an exception to allow job order contracting in the case of safety improvements or traffic calming measures for individual job orders up to \$250,000, subject to the maximum annual threshold amount as established in the bill. This bill is identical to SB 1153.

*Patron - Bell, John J.*

**HB2133 Virginia Department of Emergency Management; annual reporting requirements; Virginia Comprehensive Emergency Management Report.** Eliminates the Virginia Department of Emergency Management's

requirement to submit an annual Commonwealth Threat and Hazard Identification and Risk Assessment (C-THIRA) to the Governor and General Assembly. The bill also consolidates other additional annual reporting requirements into one annual tabulated report called the Virginia Comprehensive Emergency Management Report, which shall be submitted by the State Coordinator of Emergency Management to the Secretary of Public Safety and Homeland Security and the Chairmen of the Senate Committee on Finance, the Senate Committee for Courts of Justice, the House Committee on Appropriations, and the House Committee on Militia, Police and Public Safety by November 1 of each year.

*Patron - Jones, J.C.*

**HB2161 Department of General Services; disposition of surplus materials; service disabled veteran-owned businesses and veterans service organizations.** Requires the Department of General Services to permit surplus materials to be sold, prior to public sale or auction, to (i) service disabled veteran-owned businesses and (ii) veterans service organizations.

*Patron - Carroll Foy*

**HB2182 Department of General Services; surplus property; opportunity for economic development entities to purchase prior to public sale.** Provides that prior to offering surplus property for sale to the public, the Department of General Services (the Department) shall notify the chief administrative officer of the locality within which the property is located as well as any economic development entity for such locality of the pending disposition of such property. The bill provides that the chief administrative officer or local economic development entity shall have up to 180 days from the date of such notification to submit a proposal to the Department for the use by the locality or the local economic development entity of such property in conjunction with a bona fide economic development activity. The bill requires the Department to review such proposal and provides that if the Department determines that such proposal is viable and could benefit the Commonwealth, the Department may negotiate with the chief administrative officer or the local economic development entity for the sale of such property to the locality or economic development entity. This bill is identical to SB 1681.

*Patron - Austin*

**HB2198 Virginia Public Procurement Act; exempt counties, cities, school boards, and towns with populations greater than 3,500; competitive negotiation for professional services.** Requires all counties, cities, and school divisions, and all towns having a population greater than 3,500, in the Commonwealth that are exempt from the provisions of the Virginia Public Procurement Act (the Act) because they have adopted alternative policies and procedures as permitted by law to procure professional services through competitive negotiation as set forth in the Act when the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project. Under current law, such counties, cities, and school divisions, and all towns having a population greater than 3,500, are required to procure professional services through competitive negotiation as set forth in the Act when the cost of the professional service is expected to exceed \$60,000 in the aggregate or for the sum of all phases of a contract or project.

*Patron - Gilbert*

**HB2234 Parental leave.** Codifies the policy described in Executive Order Number 12 (2018) providing parental leave to state employees, consisting of eight weeks (320 hours) of paid leave in addition to leave provided under other state and federal programs. The bill requires that parental

leave be available following the birth or adoption of a child under age 18 and be available to both parents of such child if both are state employees. The bill requires that parental leave be taken within six months of a birth or adoption and limits parental leave to once in any 12-month period and only once per child. This bill is identical to SB 1581. This bill received Governor's recommendations.

*Patron - Robinson*

**HB2324 Major information technology project procurement; terms and conditions; limitation of liability provisions.** Requires, in any contract for a major information technology project, terms and conditions relating to the indemnification obligations and liability of a supplier to be reasonable and to not exceed in aggregate twice the value of the contract. The bill also provides that there is no limitation on the liability of a supplier for (i) any intentional or willful misconduct, fraud, or recklessness of a supplier or any employee of a supplier or (ii) claims for bodily injury, including death, and damage to real property or tangible personal property resulting from the negligence of a supplier or any employee of a supplier. The bill provides an exception to such conditions where the Secretary of Administration approves a reasonable maximum alternative limitation of liability amount recommended by the Chief Information Officer of the Commonwealth based on a risk assessment showing exceptional risk to the Commonwealth. This bill is identical to SB 1329.

*Patron - Peace*

**HB2328 Virginia Public Procurement Act; proscribed subcontracting by certain small businesses.** Prohibits a small business from subcontracting with any other business with which it has an affiliated business entity relationship if such small business (i) has been awarded a contract by a public body as part of an enhancement or remedial measure authorized by the Governor and (ii) the award of such contract is conditioned upon the small business's qualification as part of a subcategory of small businesses established as part of the enhancement program. This bill received Governor's recommendations.

*Patron - McNamara*

**HB2347 Small Business Investment Grant Fund; recapture of awards.** Provides that if an eligible investor is awarded a grant from the Small Business Investment Grant Fund and the small business in which the investment was made (i) relocates outside of the Commonwealth within two years of the award of the grant or (ii) closes within two years of the award of the grant as a result of a criminal conviction on the part of any officer, director, manager, or general partner of such business relating to his involvement with the business, such investor shall forfeit the grant and refund such moneys to the Virginia Small Business Financing Authority. The bill also advances the starting date for an eligible investor to receive a grant from July 1, 2016, to July 1, 2019, and advances the end date for receiving such a grant from January 1, 2019, to January 1, 2022.

*Patron - Herring*

**HB2354 Revenue Stabilization Fund and Revenue Reserve Fund; maximum amounts.** Provides that the combined funds in the Revenue Stabilization Fund and Revenue Reserve Fund shall not exceed 15 percent of average income and sales tax revenues for the past three years. Under current law, the amount in the Revenue Stabilization Fund shall not exceed 15 percent of average income and sales tax revenues for the past three years, and the amount in the Revenue Reserve Fund shall not exceed two percent of general fund revenues for the prior year.

*Patron - Jones, S.C.*

**HB2360 Governor's required submission of bond bills.** Changes the requirement that the Governor submit certain bond bills concurrently with the submission of his Budget Bill, or his gubernatorial amendments to the Budget Bill, to require that the Governor ensure that prefiled bond bills are submitted to the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance for such bond legislation. Currently, the Governor is required to submit on the same day his Budget Bill or his proposed amendments thereto are submitted any bond bills authorizing additional indebtedness if the bonds are authorized under or are to be repaid from revenues or appropriations contained in his Budget Bill or his proposed amendments thereto. This bill is identical to SB 1318.

*Patron - Jones, S.C.*

**HB2494 Government Data Collection and Dissemination Practices Act; dissemination of information concerning religious preferences and affiliations.** Prohibits any state agency maintaining an information system that includes personal information from disseminating to federal government authorities information concerning the religious preferences and affiliations of data subjects for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity, unless specifically required by state or federal law. This prohibition applies even if consent is given to disseminate such information to public institutions of higher education, state facilities under Title 37.2 (Behavioral Health and Developmental Services), and juvenile correctional facilities established pursuant to Title 66 (Juvenile Justice) or Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 (Juvenile and Domestic Relations District Courts). As introduced, this bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Tran*

**HB2541 Office of Telework Promotion and Broadband Assistance; Broadband Advisory Council; expiration.** Extends the expiration of the Office of Telework Promotion and Broadband Assistance from July 1, 2019, to July 1, 2021. The bill also repeals the expiration of the Broadband Advisory Council, and alters and expands from 14 to 17 its total membership. This bill is identical to SB 1618.

*Patron - Byron*

**HB2632 Board of Veterans Services; membership and scope of responsibilities.** Increases the membership of the Board of Veterans Services by adding an additional member of the House of Delegates, an additional member of the Senate of Virginia, an additional nonlegislative citizen member, and an additional ex officio member, the Chairman of the Virginia War Memorial Foundation. The bill also clarifies the scope of responsibility of the Board to include policy recommendations related to the mission of the Virginia War Memorial. The bill has a delayed effective date of January 1, 2020, and is identical to SB 1241.

*Patron - Helsel*

**HB2672 Department of Veterans Services; Virginia War Memorial division.** Provides that only the names and homes of record designation of those Virginians "Killed in Action" (i) as a result of military operations against terrorism, (ii) as a result of a terrorist act, or (iii) in any armed conflict after December 6, 1941, can be placed on the Shrine of Memory on the grounds of the Virginia War Memorial. The names and homes of record designation of all Virginians "Missing in Action" as a result of the Vietnam War and all other Virginians who served honorably but do not meet the criteria for placement on the Shrine of Memory, are required to be honored else-

where at the Virginia War Memorial. The bill also provides that the Board of Veterans Services will advise the Department of Veterans Services on policies related to the War Memorial. This advisory authority currently rests with the Virginia War Memorial Board. This bill is identical to SB 1265.

*Patron - Carr*

**HB2726 Local workforce development boards; career pathways for opportunity youth; report.** Requires each local workforce development board to develop focused strategies for engaging opportunity youth and placing them on pathways to education, training, and careers. The bill also provides for local workforce development boards to develop performance measures for evaluating the results of the implementation of such strategies and submit the measures annually to the Governor's Chief Workforce Development Advisor by November 30. "Opportunity youth" is defined in the bill as individuals between the ages of 16 and 24 who are (i) homeless, in foster care, or involved in the justice system or (ii) neither gainfully employed nor enrolled in an educational institution.

*Patron - James*

**HB2744 Virginia War Memorial Board; transfer of duties and sunset.** Sunsets the Virginia War Memorial Board effective January 1, 2020, and, upon dissolution, transfers its advisory duties to the Board of Veterans Services. The Virginia War Memorial Board currently serves as an advisory board to the Department of Veterans Services. This bill is identical to SB 1705.

*Patron - Fowler*

**HB2767 Virginia African American Advisory Board.** Establishes the Virginia African American Advisory Board to advise the Governor regarding the development of economic, professional, cultural, educational, and governmental links between the Commonwealth of Virginia and the African American community in Virginia. The Board shall be composed of 21 nonlegislative citizen members of whom at least 15 must be African American. In addition, Secretaries of the Commonwealth, Commerce and Trade, Education, Health and Human Resources, and Public Safety and Homeland Security, or their designees, shall serve as ex officio members.

*Patron - Bagby*

**SB1089 Fort Monroe Authority; payments to the City of Hampton in lieu of real property taxes.** Provides that, for real estate leased by the Fort Monroe Authority (the Authority) to a private owner, such real estate shall be taxed by the City of Hampton as if it were privately owned and billed directly to the lessee. However, if the lease term is less than 20 years, Hampton shall bill the Authority. The bill provides that the Authority and its lessees may use existing procedures for contesting assessments and taxes. Current law provides that land owned by the Authority is subject to a fee in lieu of real property taxes, but is silent on the treatment of land leased by the Authority to a private party. The bill contains technical amendments. This bill is identical to HB 1965.

*Patron - Locke*

**SB1090 Virginia Freedom of Information Act; meeting exemption for the Fort Monroe Authority.** Creates an exemption from the open meeting requirements of the Virginia Freedom of Information Act for discussion or consideration by the Board of Trustees of the Fort Monroe Authority of matters relating to specific gifts, bequests, and grants from private sources. This bill is identical to HB 1964.

*Patron - Locke*

**SB1101** Office of the Attorney General; representation of members of the General Assembly for violations of the Virginia Freedom of Information Act. Allows the Office of the Attorney General to represent a member of the General Assembly in any civil matter alleging that such member in his official capacity violated the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - DeSteph*

**SB1131** Fort Monroe Authority; definition of Area of Operation. Changes the definition of "Area of Operation" for purposes of the Fort Monroe Authority to mean land owned by the Commonwealth at Fort Monroe. The current definition refers to lands acquired from the federal government by the Fort Monroe Authority. This bill is identical to HB 1963.

*Patron - Locke*

**SB1153** Virginia Public Procurement Act; job order contracting; limitations. Raises from \$5 million to \$6 million the maximum allowable sum of all jobs performed in a one-year contract term for job order contracts beginning on July 1, 2019. The bill also provides an exception to allow job order contracting in the case of safety improvements or traffic calming measures for individual job orders up to \$250,000, subject to the maximum annual threshold amount as established in the bill. This bill is identical to HB 2071.

*Patron - Black*

**SB1180** Virginia Freedom of Information Act; definition of trade secret. Defines the term "trade secret," for the purposes of the Virginia Freedom of Information Act, as meaning the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.). This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Stuart*

**SB1182** Virginia Freedom of Information Act; meetings held through electronic communication means. Clarifies that certain requirements of current law regarding participation in public meetings through electronic communication means do not apply to meetings held to address a state of emergency declared by the Governor, specifically the requirements that public bodies (i) adopt a written policy regarding participation by electronic communication, (ii) have a quorum of a public body physically assembled at a primary or central location, and (iii) make arrangements for the voice of any member participating from a remote location to be heard by all persons at the primary or central location. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Stuart*

**SB1184** Virginia Freedom of Information Act; applicability; sexual assault response teams and multidisciplinary child sexual abuse response teams. Provides that the Virginia Freedom of Information Act (FOIA) shall not apply to sexual assault response teams, with the exception of records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team, which the bill provides shall be public records and subject to the provisions of FOIA. The bill also provides that FOIA shall not apply to multidisciplinary child sexual abuse response teams. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Stuart*

**SB1233** Administration of government; prohibition on the use of certain products and services. Prohibits public bodies from using hardware, software, or services that have been prohibited by the U.S. Department of Homeland Security for use on federal systems. The bill also requires the Chief Information Officer of the Commonwealth to promptly notify all public bodies of such prohibited hardware, software, and services.

*Patron - Ebbin*

**SB1241** Board of Veterans Services; membership and scope of responsibilities. Increases the membership of the Board of Veterans Services by adding an additional member of the House of Delegates, an additional member of the Senate of Virginia, an additional nonlegislative citizen member, and an additional ex officio member, the Chairman of the Virginia War Memorial Foundation. The bill also clarifies the scope of responsibility of the Board to include policy recommendations related to the mission of the Virginia War Memorial. The bill has a delayed effective date of January 1, 2020 and is identical to HB 2632.

*Patron - Reeves*

**SB1265** Department of Veterans Services; Virginia War Memorial division. Provides that only the names and homes of record designation of those Virginians "Killed in Action" (i) as a result of military operations against terrorism, (ii) as a result of a terrorist act, or (iii) in any armed conflict after December 6, 1941, can be placed on the Shrine of Memory on the grounds of the Virginia War Memorial. The names and homes of record designation of all Virginians "Missing in Action" as a result of the Vietnam War and all other Virginians who served honorably but do not meet the criteria for placement on the Shrine of Memory, are required to be honored elsewhere at the Virginia War Memorial. The bill also provides that the Board of Veterans Services will advise the Department of Veterans Services on policies related to the War Memorial. This advisory authority currently rests with the Virginia War Memorial Board. This bill is identical to HB 2672.

*Patron - DeSteph*

**SB1318** Governor's required submission of bond bills. Changes the requirement that the Governor submit certain bond bills concurrently with the submission of his Budget Bill, or his gubernatorial amendments to the Budget Bill, to require that the Governor ensure that prefiled bond bills are submitted to the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance for such bond legislation. Currently, the Governor is required to submit on the same day his Budget Bill or his proposed amendments thereto are submitted any bond bills authorizing additional indebtedness if the bonds are authorized under or are to be repaid from revenues or appropriations contained in his Budget Bill or his proposed amendments thereto. This bill is identical to HB 2360.

*Patron - Hanger*

**SB1329** Major information technology project procurement; terms and conditions; limitation of liability provisions. Requires, in any contract for a major information technology project, terms and conditions relating to the indemnification obligations and liability of a supplier to be reasonable and to not exceed in aggregate twice the value of the contract. The bill also provides that there is no limitation on the liability of a supplier for (i) any intentional or willful misconduct, fraud, or recklessness of a supplier or any employee of a supplier or (ii) claims for bodily injury, including death, and damage to real property or tangible personal property resulting from the negligence of a supplier or any employee of

a supplier. The bill provides an exception to such conditions where the Secretary of Administration approves a reasonable maximum alternative limitation of liability amount recommended by the Chief Information Officer of the Commonwealth based on a risk assessment showing exceptional risk to the Commonwealth. This bill is identical to HB 2324.

*Patron - Ruff*

**SB1377 Registrar of Regulations.** Directs the Division of Legislative Services to employ a Registrar of Regulations for the purpose of performing the duties of the Virginia Register Act (§ 2.2-4100 et seq.). Current law directs the Code Commission to appoint the Registrar. The bill reflects current practice with respect to the Registrar of Regulations. This bill is a recommendation of the Virginia Code Commission.

*Patron - McDougle*

**SB1430 Conflict of interest; duties of Virginia Conflict of Interest and Ethics Advisory Council; training requirement.** Requires all local elected officials to take training on the provisions of the State and Local Government Conflict of Interests Act at least once every two years. The bill requires such officials in office on July 1, 2019, to complete such training no later than December 31, 2019. The Council may provide such training by online means.

*Patron - Obenshain*

**SB1431 Virginia Freedom of Information Act; training requirements; proceedings for enforcement.** Requires the Virginia Freedom of Information Advisory Council or the local government attorney to provide, and local elected officials to complete, an online training session on the provisions of the Virginia Freedom of Information Act. The bill requires local elected officials to complete such training at least once every two years while they are in office. The bill also eliminates the three-day notice requirement for an expedited hearing on a petition for mandamus or injunction where violations relating to the open meeting requirements of the Act are alleged. The requirement of the bill for online training for local officials has a delayed effective date of July 1, 2020.

*Patron - Obenshain*

**SB1463 Compliance with grant requirements; new jobs requirement includes off-site jobs.** Specifies that the creation of off-site or teleworking jobs for Virginia residents by a recipient company or its affiliates may be included in assessing compliance with a job-creation requirement for a grant or incentive issued by a state agency.

*Patron - McPike*

**SB1491 State and Local Government Conflict of Interests Act; school districts; hiring of relatives of superintendent.** Allows a school district to hire a relative of the division superintendent if (i) the superintendent certifies that he had no involvement with the hiring decision and (ii) the assistant superintendent certifies to the members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent had no involvement with the hiring decision.

*Patron - Chafin*

**SB1492 FOIA; exclusions; proprietary records and trade secrets; Virginia Telecommunication Initiative.** Excludes trade secrets, financial information, and research-related information supplied to the Department of Housing and Community Development (the Department) as part of any grant application submitted to the Department pursuant to certain requirements set out in the Code or pursuant to the Virginia Growth and Opportunity Board or the Virginia

Telecommunication Initiative as authorized by the appropriation act from the mandatory disclosure provisions of FOIA, if such disclosure would be harmful to the competitive position of the applicant. The bill provides that in order for such trade secrets, financial information, and research-related information to be excluded, the applicant shall (i) invoke this exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify with specificity the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary. The Department is directed to determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant.

*Patron - Chafin*

**SB1554 Virginia Freedom of Information Act (FOIA); civil penalties.** Provides that in addition to any penalties imposed under FOIA, (i) if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such officer, employee, or member of a public body altered or destroyed the requested public records with the intention of avoiding the provisions of FOIA prior to the expiration of the applicable record retention period set pursuant to the Virginia Public Records Act, the court may impose upon such officer, employee, or member in his individual capacity a civil penalty of up to \$100 per record altered or destroyed and (ii) if a court finds that a member of a public body voted to certify a closed meeting and at the time of such certification an attorney representing the body was present and such certification was not in accordance with the requirements of FOIA, the court may impose on the public body a civil penalty of up to \$1,000. This bill received Governor's recommendations.

*Patron - Surovell*

**SB1581 Parental leave.** Codifies the policy described in Executive Order Number 12 (2018) providing parental leave to state employees, consisting of eight weeks (320 hours) of paid leave in addition to leave provided under other state and federal programs. The bill requires that parental leave be available following the birth or adoption of a child under age 18 and be available to both parents of such child if both are state employees. The bill requires that parental leave be taken within six months of a birth or adoption and limits parental leave to once in any 12-month period and only once per child. This bill is identical to HB 2234. This bill received Governor's recommendations.

*Patron - Suetterlein*

**SB1592 Department of Small Business and Supplier Diversity; certification of certain small businesses.** Directs the Director of the Department of Small Business and Supplier Diversity to amend its regulation regarding the certification of businesses as any subcategory of small businesses established as part of an enhancement or remedial measure authorized by the Governor to provide that a business that is certified as any subcategory of small business pursuant to the small business certification program administered by the Director may be certified using full-time equivalents to determine the number of employees. This bill received Governor's recommendations.

*Patron - Dunnivant*

**SB1618 Office of Telework Promotion and Broadband Assistance; Broadband Advisory Council; expiration.** Extends the expiration of the Office of Telework Promotion and Broadband Assistance from July 1, 2019, to July 1, 2021. The bill also repeals the expiration of the Broadband

Advisory Council, and alters and expands from 14 to 17 its total membership. This bill is identical to HB 2541.

*Patron - Edwards*

**SB1681 Department of General Services; surplus property; opportunity for economic development entities to purchase prior to public sale.** Provides that prior to offering surplus property for sale to the public, the Department of General Services (the Department) shall notify the chief administrative officer of the locality within which the property is located as well as any economic development entity for such locality of the pending disposition of such property. The bill provides that the chief administrative officer or local economic development entity shall have up to 180 days from the date of such notification to submit a proposal to the Department for the use by the locality or the local economic development entity of such property in conjunction with a bona fide economic development activity. The bill requires the Department to review such proposal and provides that if the Department determines that such proposal is viable and could benefit the Commonwealth, the Department may negotiate with the chief administrative officer or the local economic development entity for the sale of such property to the locality or economic development entity. This bill is identical to HB 2182.

*Patron - Mason*

**SB1705 Virginia War Memorial Board; transfer of duties and sunset.** Sunsets the Virginia War Memorial Board effective January 1, 2020, and, upon dissolution, transfers its advisory duties to the Board of Veterans Services. The Virginia War Memorial Board currently serves as an advisory board to the Department of Veterans Services. This bill is identical to HB 2744.

*Patron - McPike*

## Failed

**HB1619 Children's Services Act; special education programs.** Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.

*Patron - Thomas*

**HB1632 Virginia Public Procurement Act; multiple award indefinite delivery/indefinite quantity contracting.** Adds multiple award indefinite delivery/indefinite quantity contracting as an allowable method of procurement for public bodies under the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

*Patron - Cole*

**HB1667 Virginia Public Procurement Act; statute of limitations on actions on construction contracts; statute of limitations on actions on performance bonds.** 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 substantial completion of the work on the project and that no action may be brought by a public body on a warranty or guarantee 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 guarantee. 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 substantial 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 guarantees, or (ii) discovery of the defect or breach of warranty that gave rise to the action.

*Patron - Kilgore*

**HB1676 Legal holidays; Indigenous Peoples Day.** Renames the special Day of Appreciation for American Indians living in the Commonwealth as Indigenous Peoples Day. Recognition of the day remains the Wednesday immediately preceding the fourth Thursday in November of each year but the bill changes its designation to that of a legal holiday in Virginia.

*Patron - Krizek*

**HB1702 Library of Virginia; disposition of official correspondence of the Governor.** Requires the Library of Virginia to catalogue and make accessible to the public all correspondence and other records required to be delivered by an outgoing Governor within one year of the delivery of such correspondence and records.

*Patron - Gilbert*

**HB1736 Community Integration Advisory Commission; sunset.** Extends the sunset provision of the Community Integration Advisory Commission from July 1, 2019, to July 1, 2023.

*Patron - Reid*

**HB1796 Virginia Public Procurement Act; competitive negotiation; price for professional services.** Allows public bodies to request price information in a Request for Proposal for professional services.

*Patron - Cole*

**HB1821 Virginia Public Procurement Act; debarment for nonpayment of unemployment taxes.** Prohibits state agencies from contracting for goods and services from a source that is required to collect unemployment taxes but fails or refuses to do so. The measure prohibits such contracts with any affiliates of such source. The measure requires the Virginia Employment Commission to make a determination of whether a source is a prohibited source. The measure also provides that any source that fails to remit unemployment taxes for more than 10 covered employees shall be a prohibited source for a period of two years.

*Patron - Delaney*

**HB1859 Virginia Human Rights Act; pregnancy, childbirth, or related medical conditions; causes of action.** Provides that no employer shall discharge any employee on the basis of pregnancy, childbirth, or related medical conditions, including lactation. Currently, the protection against discharging any employee on the basis of pregnancy, childbirth, or related medical conditions applies only to an employer employing more than five but fewer than 15 persons.

*Patron - McQuinn*

**HB1886 Interstate Compact on Washington Area Professional Football Team Franchise Facility Incentives.** Establishes an interstate compact among the Commonwealth of Virginia, the State of Maryland, and the District of Columbia (the party states) that prohibits the party states from providing

incentives for a Washington area professional football team franchise facility, including tax incentives, state or local appropriations, and loans. The bill provides that the compact will not become effective unless the party states enact concurring legislation prior to January 1, 2021.

*Patron - Weibert*

**FHB1892 Department of Small Business and Supplier Diversity; small business procurement enhancement program.** Establishes a small business procurement enhancement program (the Program) with a statewide goal of 42 percent of small business utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill (i) provides for a small business set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) establishes qualification criteria for participation in the Program by business operations on the basis of the total number of employees or annual gross receipts, averaged over the previous three years.

*Patron - James*

**FHB1900 Health Care Provider Credentials Data Solution Fund; blockchain technology.** Establishes the Health Care Provider Credentials Data Solution Fund for the purpose of soliciting proofs of concept to establish or improve a system for the storage and accessing of health care provider credentials data, utilizing blockchain or a similar technology, to be maintained by the Department of Health Professions. The Fund authorizes the Secretary of Health to disburse matching funds on at least a one-to-one basis to any person who demonstrates such proof of concept. This is a recommendation of the Joint Commission on Technology and Science.

*Patron - Davis*

**FHB1961 Virginia Public Procurement Act; exemptions; Department of Conservation and Recreation.** Exempts the Department of Conservation and Recreation from the provisions of the Virginia Public Procurement Act for the purchase of items for resale at state park gift shops, camp stores, snack bars, restaurants, and similar retail outlets operated on the premises of such state parks. The bill provides that such purchase procedures shall provide for competition wherever practicable.

*Patron - Rodman*

**FHB1982 Abolishing the Virginia War Memorial Board.** Abolishes the Virginia War Memorial Board, which serves as an advisory board to the Department of Veterans Services, and moves its responsibilities to the Board of Veterans Services.

*Patron - Fowler*

**FHB1984 Legal holidays; Election Day.** Designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday.

*Patron - Lindsey*

**FHB2000 State agencies; amendment of regulations pertaining to the maximum temperature at which certain rooms may be kept.** Directs the Board of Housing and Community Development to revise the Uniform Statewide Building Code to decrease the temperature at which an owner or operator of certain apartment buildings who rents, leases, or lets one or more dwelling units, rooming units, or guestrooms on terms, either expressed or implied, to furnish cooling to the occupants thereof shall supply cooling during the period from May 15 to October 1 from 80 degrees Fahrenheit to 77 degrees

Fahrenheit. The bill also directs the Department of Social Services, the Department of Juvenile Justice, the Department of Behavioral Health and Developmental Services, the Department of Health, and the Department of Corrections to amend their regulations to provide that the maximum temperature at which certain rooms in facilities regulated by such agencies may be kept shall be no more than 77 degrees Fahrenheit.

*Patron - Price*

**FHB2067 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.

*Patron - Bell, John J.*

**FHB2072 Virginia Public Procurement Act; competitive negotiation for professional services.** Provides that for competitive negotiation for professional services, a public body may conduct negotiations simultaneously with the top two ranked offerors if the public body does not request or discuss nonbinding estimates of total project costs at the discussion stage and as long as such process is set forth in the Request for Proposal.

*Patron - Bell, John J.*

**FHB2094 Virginia Personnel Act; hiring preference in state government for persons with disabilities.** Establishes a hiring preference in state government for persons with disabilities, provided that such person meets all of the knowledge, skill, and ability requirements for the available position and such person's disability is unrelated to his qualifications for and ability to perform the duties of the available position. The bill defines "person with a disability" as any person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment.

*Patron - Guzman*

**FHB2122 Virginia Public Procurement Act; public works contracts; prevailing wage; penalty.** Requires contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration at the prevailing wage rate to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works. The bill requires the Commissioner of Labor and Industry 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. The bill provides that a contractor or subcontractor who knowingly or willfully employs any mechanic, laborer, or worker to perform work to be done under the public contract at a rate that is less than the prevailing wage is guilty of a Class 1 misdemeanor and that such 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 such individuals.

*Patron - Carroll Foy*

**FHB2153 Small Business Financing Authority; Virginia Small Business Emergency Bridge Loan Fund created.** Creates the Virginia Small Business Emergency Bridge Loan Fund (the Fund) to provide short-term direct loans to eligible small businesses adversely affected by a disaster for which a state of emergency has been declared. The bill pro-

vides that the Fund shall be managed and administered by the Small Business Financing Authority with guidance from the Director of the Department of Small Business and Supplier Diversity and in coordination with the Virginia Department of Emergency Management. The bill also provides that loans provided from the Fund shall be (i) for a minimum amount of \$1,000 up to a maximum amount of \$10,000, (ii) provided interest-free, and (iii) repaid by the end of the loan term, which term shall be set by the Authority for a minimum of 90 days but not to exceed 180 days.

*Patron - Stolle*

**HB2159 Plastic Pollution Prevention Advisory Council.** Establishes in the executive branch of state government the Plastic Pollution Prevention Advisory Council to study and make recommendations regarding plastic pollution problems in the Commonwealth, with the mission of eliminating plastic waste. The bill has a sunset date of June 30, 2022.

*Patron - Plum*

**HB2164 Department of Small Business and Supplier Diversity; definitions; small business.** Redefines “small business” for the purposes of programs for the Department of Small Business and Supplier Diversity and the Virginia Public Procurement Act to mean a business that together with its affiliates has both 250 or fewer employees and average annual gross receipts, less the cost of goods sold by the business, of \$10 million or less averaged over the previous three years. Currently for these programs, a business qualifies as a small business if, together with its affiliates, it has either 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

*Patron - Davis*

**HB2211 Administrative Process Act; formal hearings; proceedings held by telephone.** Requires officers presiding over formal proceedings that are held by telephone and governed by the Administrative Process Act, or a person designated by such officer, to make one additional attempt at contact if contact is not made with a party to the hearing on the first attempt prior to commencing the hearing.

*Patron - Fariss*

**HB2237 Economic development incentives; disclosure to public.** Provides that no project that includes an offer of economic development incentives shall be approved by the Governor unless the essential terms of the offer are disclosed to the public no less than 21 days prior to approval. The bill defines essential terms as the aggregate amount of incentives to be provided by the Commonwealth, how the incentives are to be allocated, the projected return on investment for the Commonwealth, the projected time frame for repayment of the incentives, the Division of Incentives' projections for the number of new jobs that will be created and the average wage of those new jobs, and any proposed agreement between the Commonwealth and the recipient of the incentives regarding the Virginia Freedom of Information Act.

*Patron - Webert*

**HB2271 State agencies; work by employees of private entities on behalf of or upon the premises of public employers.** Prohibits public employers from permitting any person employed by a private entity to perform professional services for such private entity upon the premises of such public employer or otherwise share office space with the employees of such public employer. The bill also prohibits a public employer from accepting funds from a private entity for the purposes of employing a former or current employee of the private entity to perform professional services for the public

employer. The bill defines “private entity” and “professional services.”

*Patron - Poindexter*

**HB2308 Virginia Public Procurement Act; public institutions of higher education; disclosure required by certain offerors.** Requires every offeror who submits a proposal to a public institution of higher education for any construction project that (i) has a total cost of \$5 million or more and (ii) uses a procurement method other than competitive sealed bidding to disclose any contributions the offeror has made to the public institution of higher education or any private foundation that exists solely to support the public institution of higher education within the previous five-year period.

*Patron - Fowler*

**HB2330 Environmental Justice Advisory Council established; consideration for environmental justice.** Establishes the Environmental Justice Advisory Council (the Council), consisting of 19 members, to advise the Governor on environmental justice in the Commonwealth through equitable development, implementation, evaluation, and enforcement of environmental laws, regulations, policies, and practices. The bill requires all state agencies to examine any new regulation or policy involving state action or funds in relation to its impact on environmental justice prior to adopting such regulation or policy and requires the Council to coordinate and lead efforts to achieve the Commonwealth's environmental justice goals.

*Patron - Keam*

**HB2348 Economic development investments and grants; minimum wage requirements.** Increases the minimum wage requirements from 135 percent to 175 percent of the federal minimum wage for new jobs to be eligible for economic development incentives under the Small Business Jobs Grant Fund Program or the Virginia Jobs Investment Program.

*Patron - Herring*

**HB2359 Capital outlay plan.** Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

*Patron - Jones, S.C.*

**HB2366 Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report.** Changes the definition of small business, beginning July 1, 2019, to mean a business that (i) is not dominant in its field of operation, as determined by the Department of Small Business and Supplier Diversity (the Department); (ii) is at least 51 percent independently owned and operated by one or more individuals who are U.S. citizens or legal resident aliens; and (iii) together with affiliates, has 250 or fewer employees and average annual gross receipts, excluding the cost of goods and equipment, of \$10 million or less averaged over the previous three years. Under current law, a business must be independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens and, together with affiliates, have 250 or fewer employees or annual gross receipts of \$10 million or less averaged over the previous three years. The bill provides that any business entity that the Department has certified as a small business prior to July 1, 2019, shall have the expiration date of such certification extended for an additional one-year period, after such time the business shall be required to meet the requirements for certification in effect at that time. The bill also provides that the Director of the Department shall annually review forms and processes related to small business certification to reduce the

administrative and paperwork burden on small businesses seeking certification and recertification. The bill (a) includes a definition of “field of operation”; (b) requires the Secretary of Commerce and Trade to evaluate the small business certification program at three-year intervals, reporting to the Governor and General Assembly by December 1, 2022, and December 1, 2025; and (c) directs the Department to establish an educational outreach initiative to inform and prepare businesses for the changes in the small business certification program.

*Patron - Knight*

**HB2369 Virginia Human Rights Act; establishment of right to reproductive choice.** Establishes that (i) every individual has a fundamental right to choose or refuse contraception or sterilization and (ii) every individual who becomes pregnant has a fundamental right to choose to carry a pregnancy to term, give birth to a child, or terminate the pregnancy. The bill provides that the Commonwealth shall not deny or interfere with such fundamental rights in the regulation or provision of benefits, facilities, services, or information. The bill further provides that the Commonwealth shall not discriminate in the protection or enforcement of such fundamental rights on the basis of sex, disability, race, ethnicity, gender identity, age, marital status, national origin, immigration status, religion, or sexual orientation.

*Patron - Herring*

**HB2381 Office of the Children's Ombudsman; Children's Advocacy Fund.** Creates the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and information for children, parents, and citizens involved with child-serving agencies, as defined in the bill. The bill provides for the Office of the Governor to conduct a needs assessment with the Department of General Services to provide for the office space needs of the Office of the Children's Ombudsman. The bill also creates the Children's Advocacy Fund for the purpose of supporting the operations of the Office of the Children's Ombudsman. The Fund would be funded in part by fines collected from criminal offenses involving a child.

*Patron - Hurst*

**HB2386 Public institutions of higher education; information relating to pledges and donations.** Requires public institutions of higher education, when accepting a donation, gift, or similar financial support that is conditioned upon the acceptance of certain terms and conditions by the public institution of higher education, to provide the donor with a written document acknowledging the public institution of higher education's acceptance of such terms and conditions. The bill requires the public institution of higher education to retain a copy of such document and provides that such document shall be subject to the provisions of the Virginia Freedom of Information Act (FOIA). The bill provides that no discretionary exclusion in FOIA shall apply to protect information relating to the amount, date, purpose, and terms of a pledge or donation made to a public institution of higher education. The bill provides that the identity of the donor shall be protected only if (a) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (b) the pledge or donation does not impose terms or conditions related to academic decision-making.

*Patron - Bulova*

**HB2398 Department of Small Business and Supplier Diversity; definitions; small business.** Redefines “small business” for the purposes of programs for the Department of Small Business and Supplier Diversity and the Virginia Public Procurement Act to mean a business that together with its affiliates has both 250 or fewer employees and average annual

gross receipts of \$10 million or less averaged over the previous three years. Currently for these programs, a business qualifies as a small business if, together with its affiliates, it has either 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

*Patron - Lopez*

**HB2402 Public employment; limitations on inquiries by state agencies and localities regarding criminal arrests, charges, or convictions.** Prohibits state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested or 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.

*Patron - Aird*

**HB2421 Prohibited discrimination; sexual orientation and gender identity.** Prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill codifies existing prohibited discrimination in public 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 and adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments.

*Patron - Levine*

**HB2431 My Virginia Plan Program; multiple employer plan for private employers and their employees.** Establishes the My Virginia Plan Board (the Board) and directs the Board to create the My Virginia Plan Program (the Program) to allow employees of private employers in the Commonwealth to contribute to a defined contribution retirement plan overseen by the Board. The bill requires all self-employed individuals, sole proprietors, and nongovernmental employers to allow their employees to participate in the Program, but exempts such employers from doing so if they offer a substitute retirement plan, defined in the bill. The bill authorizes the Board to contract with third parties to implement and administer the program.

The Program shall allow an enrollee to contribute to an account at a default rate and modify his contributions within the parameters of the Internal Revenue Code but shall not require automatic enrollment. The Program shall not require a participating employer to contribute to the account of any enrollee. The bill prohibits the Commonwealth from guaranteeing a rate of return or interest rate on any contribution and indemnifies it from losses incurred through the Program.

The bill directs the Board to conduct a market and legal analysis of the Program and requires the Board to establish the Program by July 1, 2021; however, if the Board determines that the Program would qualify as an employee benefit plan under the federal Employee Retirement Income Security Act of 1974, it is prohibited from establishing the Program.

*Patron - Torian*

**HB2432 My Virginia Plan Program; retirement plans for employees of private employers.** Establishes the My Virginia Plan Board (the Board) and directs the Board to create the My Virginia Plan Program (the Program) to enable private employers to connect with financial services firms that offer retirement plans. The bill directs the Board to contract with a private entity to implement and administer the Program.

The bill provides that participation in a plan offered through the Program is voluntary for employers and their employees. The bill requires the Board to review and approve financial services firms to offer retirement plans through the Program and create a website for employers to obtain information on how to participate. The bill requires the Board to ensure that the Program provides a range of investment options to meet the needs of investors with various levels of risk tolerance and various ages.

The bill requires that in order to participate in the Program a financial services firm must register with the State Corporation Commission, meet the requirements of all federal laws required to offer retirement plans, and offer at least two product options, including a target date fund and a balanced fund. The bill authorizes the Department to charge fees to participating financial services firms to recoup start-up and ongoing costs. The bill prohibits financial services firms from charging administrative fees to employers but such firms may charge annual fees to enrollees.

*Patron - Torian*

**HB2435 Virginia Public Procurement Act; local labor use requirement for certain construction contracts.** Requires under the Virginia Public Procurement Act (§ 2.2-4300 et seq.) that every public body, when engaged in procuring contracts for construction with a projected cost in excess of \$500,000 paid for in whole by state or local funds, include in its specifications a requirement that at least 60 percent of the employees employed by contractors and subcontractors for the construction project be from the local labor market. The bill defines “local labor market” to mean every locality in Virginia and any county outside of Virginia if any portion of that county is within 75 miles of the Virginia border. The bill also provides that any contractor or subcontractor that cannot meet this requirement and that has taken certain necessary steps may obtain a waiver of the requirement from the Virginia Employment Commission. The bill applies to contracts for construction entered into, renewed, or amended by a public body under the Virginia Public Procurement Act on or after July 1, 2019.

*Patron - Torian*

**HB2475 Virginia Public Procurement Act; use of competitive negotiation for construction; exemption from certain requirements related contracting for public works.** Requires that competitive negotiation be used for construction projects where the project cost is expected to be more than \$500,000. Under current law, construction may be procured only by competitive sealed bidding, except (i) when procured by a public body on a fixed price design-build basis or construction management basis as permitted by law or (ii) when procured by a public body for the construction of highways and any draining, dredging, excavation, grading, or similar work upon real property under certain circumstances. The bill also exempts contracts for the construction of public works where the project cost is expected to be more than \$500,000 from certain provisions relating to state agency agreements with labor organizations.

*Patron - Torian*

**HB2496 Virginia Human Rights Act; creation of cause of action for discrimination based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, or age.** Creates a cause of action against any employer employing more than five but fewer than 15 persons who engages in an unlawful discriminatory act against any employee on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation. The bill also creates a cause of action against any employer employing more than five but fewer than 20 persons who engages in an unlawful discriminatory act against an employee on the basis of age if the employee is 40 years of age or older. Under current law, an employee who has been discriminated against on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, or age may only file an action against his employer if the employee is discharged by the employer on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation, or age. The bill permits a court, in cases where the employee prevails, to award compensatory or punitive damages in an amount of up to \$25,000 and attorney fees not to exceed 25 percent of the amount awarded. The bill provides that the provisions creating a cause of action against an employer who engages in unlawful discriminatory practices against an employee shall apply only to unlawful discriminatory practices that occur or are alleged to occur on or after July 1, 2019.

*Patron - Tran*

**HB2507 Office of the Attorney General; FOIA Ombudsman; powers and duties; report.** Requires the Attorney General to appoint a Virginia Freedom of Information Act Ombudsman (Ombudsman) to promote compliance by state agencies with the provisions of the Virginia Freedom of Information Act (FOIA). The bill outlines the powers and duties of the Ombudsman and provides for the Ombudsman to submit by November 30 of each year a report on his activities and policy recommendations to the Governor and the General Assembly.

*Patron - Roem*

**HB2519 Virginia Information Technologies Agency; cybersecurity task force created.** Establishes a cybersecurity task force to assist the Chief Information Officer (CIO) of the Virginia Information Technologies Agency in developing policies, standards, and guidelines applicable to the Commonwealth's executive, legislative, and judicial branches and independent agencies for assessing security risks, determining the appropriate security measures, and performing security audits of government electronic information. The bill provides that the task force shall consist of representatives of the Chief Justice of the Supreme Court, representatives of the Joint Rules Committee of the General Assembly, the Director of the Division of Legislative Automated Systems or his designee, the Director of the Joint Legislative Audit and Review Commission or his designee, the Auditor of Public Accounts or his designee, and to any other agency head that the CIO may request to serve on or appoint a designee to serve on the task force. The bill also directs the task force to discuss and investigate any breaches in information technology security that have been experienced by any executive branch or independent agency, the legislative branch, or the judicial branch and make recommendations for strengthening the Commonwealth's cybersecurity measures. The bill requires the CIO to annually report to the Governor, the Secretary, and General Assembly on the work of the cybersecurity task force, including any recommendations made by the task force.

*Patron - Ayala*

**HB2534 Virginia Information Technologies Agency; required information security training program for state employees.** Requires the Chief Information Officer of the Virginia Information Technologies Agency (the CIO) to develop and annually update a curriculum and materials for training all state employees in information security awareness and in proper procedures for detecting, assessing, reporting, and addressing information security threats by November 1, 2019. The bill requires every state agency, beginning January 1, 2020, to provide annual information security training for each of its employees using the curriculum and materials developed by the CIO.

*Patron - Ayala*

**HB2545 Governor's secretaries; Secretary of Workforce Development created.** Creates in the Governor's cabinet the position of Secretary of Workforce Development (the Secretary). The bill removes the position of Chief Workforce Development Advisor and reassigns that position's responsibilities to the Secretary.

*Patron - Byron*

**HB2550 Research and development in the Commonwealth.** Creates the Commonwealth of Virginia Research Consortium Authority (the Consortium) to oversee and support research and commercialization in the Commonwealth. The Consortium will be advised by an Investment Advisory Committee and a Research and Technology Advisory Committee. Existing grant, loan, and investment funds currently administered by the Innovation and Entrepreneurship Investment Authority and the Virginia Research Investment Committee would be consolidated under the Consortium, and the Consortium would be responsible for the Commonwealth Research and Technology Strategic Roadmap. The Consortium would also be responsible for allocating research-related funds to the Virginia Biosciences Health Research Consortium and the Commonwealth Center for Advanced Manufacturing. The bill repeals the existing Virginia Research Investment Committee and the Innovation and Entrepreneurship Investment Authority. The Center for Innovative Technology would move under the authority of the Consortium. A stakeholder group would be appointed to oversee the transition to the Consortium, and the Governor would be authorized to appoint an interim chief executive officer of the Consortium based upon the recommendations of the stakeholder group.

*Patron - Jones, S.C.*

**HB2595 Chief Information Officer; transition of web-based services for executive branch agencies to cloud-based server solutions.** Requires the Chief Information Officer of the Commonwealth, on or before November 30, 2019, to submit to the Governor and the Chair of the Joint Commission on Technology and Science a plan providing for the transition of web-based tier one services used by executive branch agencies, with some exceptions listed in the bill, from state servers to cloud-based server solutions by July 1, 2024.

*Patron - Davis*

**HB2688 Virginia Public Procurement Act; use of best value procurement; construction.** Authorizes any public body to procure construction on a best value procurement basis. Under the bill, if proceeding on a best value procurement basis, the Request for Proposal must contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis and describe (i) the criteria that will be considered in evaluating the proposals and (ii) the rating or weighting system that will be used in evaluating the proposals, including a disclosure that price will be weighted at

least 51 percent as a factor. The bill contains technical amendments.

*Patron - Campbell, R.R.*

**HB2696 Environmental Justice Advisory Council established.** Establishes the Environmental Justice Advisory Council, consisting of 13 members, to advise the Governor on environmental justice in the Commonwealth through equitable development, implementation, evaluation, and enforcement of environmental laws, regulations, policies, and practices.

*Patron - Herring*

**HB2730 Virginia Public Procurement Act; service disabled veteran business procurement enhancement program.** Establishes a statewide service disabled veteran business procurement enhancement program. The bill establishes a statewide goal of five percent service disabled veteran business utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts.

*Patron - McGuire*

**HB2772 Certain officers and employees; ability to forswear salary.** Authorizes officers and employees exempt from the Virginia Personnel Act to forswear all or part of their official salary or rate of pay.

*Patron - Bell, Robert B.*

**HB2791 Virginia Personnel Act; appointments, promotion, and tenure based upon merit and fitness.** Clarifies that, except as otherwise provided by law, all appointments and promotions to and tenure in positions in the service of the Commonwealth shall be based solely upon merit and fitness.

*Patron - Knight*

**HB2802 Division of Human Rights; name change; report.** Changes the name of the Division of Human Rights to the Division of Civil Rights (the Division). The bill requires the Division to submit a report, by November 30 of each year, to the Governor and the General Assembly summarizing all written complaints of unlawful discriminatory practices made to the Division, including a tabulation of referrals, investigations, conciliations, and formal hearings. Such report shall also include recommendations for policies and legislation based on its findings.

*Patron - Lopez*

**HB2804 Virginia Public Procurement Act; professional and information technology project services contracts; verification of work.** Requires state agencies contracting for professional and information technology project services to include provisions in such contracts that require contractors to install software that allows for verification of the number of hours worked on a project using a computer. The bill requires such software to be procured by the contractor and provides that data collected belongs to the contractor; however, the contractor is required to provide access to such data to the contracting state agency under certain terms and for a period of seven years.

*Patron - LaRock*

**HJ628 Study; Virginia Freedom of Information Advisory Council; threat of phishing attacks; report.** Directs the Virginia Freedom of Information Advisory Council (FOIA Council) to study the threat of phishing attacks on citizens and public employees whose contact and private information is legally obtained as a result of a Freedom of Information Act (FOIA) request. The study further directs the FOIA Council to examine the current FOIA provisions and make recom-

mendations on ways to address the threat of phishing attacks on citizens and public employees of the Commonwealth.

*Patron - Heretick*

**FSB998 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.

*Patron - Ebbin*

**FSB1028 Virginia Public Procurement Act; local labor use requirement for certain construction contracts; civil penalty.** Adds to the Virginia Public Procurement Act (§ 2.2-4300 et seq.) the requirement that every public body, when engaged in procuring contracts for construction with a projected cost in excess of \$500,000 paid for in whole by state or local funds, include in its specifications a requirement that at least 60 percent of the employees employed by contractors and subcontractors for the construction project be from the local labor market. The bill defines “local labor market” to mean every locality in Virginia and any county outside of Virginia if any portion of that county is within 75 miles of the border of Virginia. The bill provides that any contractor or subcontractor that cannot meet this requirement, and has taken certain necessary steps may obtain a waiver of the requirement from the Virginia Employment Commission. The bill provides for a civil penalty in the amount of \$100 per violation for any violation by a contractor or subcontractor of any provision of the measure.

*Patron - Marsden*

**FSB1036 Department of Small Business and Supplier Diversity; small business procurement enhancement program.** Establishes a small business procurement enhancement program (the Program) with a statewide goal of 42 percent of small business utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill (i) provides for a small business set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) establishes qualification criteria for participation in the Program by business operations on the basis of the total number of employees or annual gross receipts, averaged over the previous three years.

*Patron - Lucas*

**FSB1098 Department of Small Business and Supplier Diversity; definitions; small business.** Redefines “small business” for the purposes of programs for the Department of Small Business and Supplier Diversity and the Virginia Public Procurement Act to mean a business that together with its affiliates has both 250 or fewer employees and average annual gross receipts of \$10 million or less averaged over the previous three years. The bill provides that gross receipts shall not include the cost of goods and equipment. Currently, under these programs, a business qualifies as a small business if, together with its affiliates, it has either 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

*Patron - Marsden*

**FSB1099 Department of General Services; guidance to state public bodies regarding purchases of materials made in the United States.** Directs the Department of

General Services to develop and maintain a guidance document assisting state public bodies to purchase (i) iron and steel that are made in the United States and (ii) manufactured goods with at least 50 percent of the constituent parts and materials originating in the United States.

*Patron - DeSteph*

**FSB1104 Community policy and management teams; use of funds.** Provides that the state pool of funds for community policy and management teams may be used for wrap-around services, as defined in the Policy Manual of the Children's Services Act and subject to specific appropriation, that are provided in a public school setting. The bill requires the Office of Children's Services to report annually to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance regarding the use of wrap-around services in public school settings.

*Patron - Peake*

**FSB1199 Public employment; inquiries by state agencies and localities regarding criminal convictions, charges, and arrests.** Prohibits state agencies from including on any employment application a question inquiring whether the applicant has ever been arrested or charged with any crime. The bill prohibits state agencies from asking an applicant if he has ever been convicted of any crime unless the inquiry takes place after the applicant has received a conditional offer of employment, which offer may be withdrawn if the applicant has a conviction record that directly relates to the duties and responsibilities of the position. The prohibition does not apply to applications for employment with law-enforcement agencies, certain positions designated as sensitive, or in instances where a state agency is expressly permitted to inquire into an individual's criminal history for employment purposes pursuant to any provision of federal or state law. The bill also authorizes localities to adopt ordinances prohibiting such inquiries, with similar limitations.

*Patron - Dance*

**FSB1238 Sports betting; Virginia Sports Betting Department created; Problem Gambling Treatment and Support Fund; Sports Betting Operations Fund; penalties.** Establishes the Virginia Sports Betting Department (the Department) and authorizes it to regulate sports betting. Before administering a sports betting operation, an entity is required to apply for a three-year license and pay an application fee of \$5,000. An entity could apply for a license to operate only (i) at a racetrack or off-track betting facility in a locality that as of 2019 had approved such facilities at referendum or (ii) in a locality that votes to allow sports betting at referendum. Licensed vendors must apply for renewal of a license every three years, which requires a renewal fee of \$1,000.

Under the provisions of the bill, betting on college sports and youth sports is prohibited, and betting on professional sports is allowed. The bill does not authorize the Department to allow betting through a website, app, or other platform accessible via the Internet. The bill prohibits betting by Department employees, participants in athletic events on which the bet is placed, and persons under age 18. The penalty for engaging in prohibited betting is a Class 1 misdemeanor. The bill directs the Department to establish a voluntary exclusion program, which would allow individuals to request that the Department exclude them from participating in sports betting. The bill imposes a 10% tax on a licensed vendor's adjusted gross revenue, defined in the bill. The Department would retain 2.5% of the tax revenue to defray its costs of administering the program. The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services. The Fund would be used to provide counseling to compulsive gamblers, implement problem gam-

bling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund would be funded by 2.5% of the revenue generated from sports betting. Fifty percent of tax revenue would accrue to the locality in which it was generated, and 45% would accrue to the Virginia Foundation for Community College Education Fund, which is used to provide monetary assistance to Virginia residents who are enrolled in a Virginia community college.

*Patron - Petersen*

**FSB1291 Legal holidays; Election Day.** Designates Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday.

*Patron - Lucas*

**FSB1323 Capital outlay plan.** Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

*Patron - Hanger*

**FSB1345 Virginia Public Procurement Act; competitive negotiation for professional services.** Provides that for competitive negotiation for professional services, except in the case of the procurement of architectural or engineering services, a public body may conduct negotiations simultaneously with the top two ranked offerors if the public body does not request or discuss nonbinding estimates of total project costs at the discussion stage and as long as such process is set forth in the Request for Proposal.

*Patron - Favola*

**FSB1369 Virginia Public Procurement Act; statute of limitations on actions on construction contracts; statute of limitations on actions on performance bonds.** 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 substantial completion of the work on the project and that no action may be brought by a public body on a warranty or guarantee 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 guarantee. 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 substantial 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 guarantees, or (ii) discovery of the defect or breach of warranty that gave rise to the action.

*Patron - Norment*

**FSB1394 Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report.** Changes the definition of small business, beginning July 1, 2019, to mean a business that (i) is not dominant in its field of operation, as determined by the Department of Small Business and Supplier Diversity (the Department); (ii) is at least 51 percent independently owned and operated by one or more individuals who are U.S. citizens or legal resident aliens; and (iii) together with affiliates, has 250 or fewer employees and average annual gross receipts, excluding the cost of goods and equipment, of \$10 million or less averaged over the previous three years. Under current law, a business must be independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens and, together with affiliates, have 250 or fewer employees or annual gross

receipts of \$10 million or less averaged over the previous three years. The bill provides that any business entity that the Department has certified as a small business prior to July 1, 2019, shall have the expiration date of such certification extended for an additional one-year period, after such time the business shall be required to meet the requirements for certification in effect at that time. The bill also provides that the Director of the Department shall annually review forms and processes related to small business certification to reduce the administrative and paperwork burden on small businesses seeking certification and recertification. The bill (a) includes a definition of "field of operation"; (b) requires the Secretary of Commerce and Trade to evaluate the small business certification program at three-year intervals, reporting to the Governor and General Assembly by December 1, 2022, and December 1, 2025; and (c) directs the Department to establish an educational outreach initiative to inform and prepare businesses for the changes in the small business certification program.

*Patron - Dance*

**FSB1444 Secretary of Technology; transfer of duties to the Secretaries of Administration and Commerce and Trade.** Transfers operational responsibilities of the Office of the Secretary of Technology to the Secretary of Administration and responsibilities related to commercialization and entrepreneurial support to the Secretary of Commerce and Trade. The bill contains technical amendments.

*Patron - Locke*

**FSB1523 Governor's secretaries; Secretary of Workforce Development created.** Creates in the Governor's cabinet the position of Secretary of Workforce Development (the Secretary). The bill assigns to the Secretary responsibility for the Department of Labor and Industry and the Virginia Employment Commission. The bill also removes the position of Chief Workforce Development Advisor and reassigns that position's responsibilities to the Secretary.

*Patron - Ruff*

**FSB1589 Education and workforce development; Virginia Works Portal created; report.** Creates the Virginia Works Portal, administered by the Virginia Economic Development Partnership Authority, to provide one-stop access to information regarding education pathways, career opportunities, and workforce development information available from agencies, institutions, and entities around the Commonwealth. The bill provides that the Portal shall provide an interactive, user-friendly environment and must be available to the public by July 1, 2020. The bill creates the five-person Virginia Works Board chaired by the Governor's Chief Workforce Development Advisor to oversee the Portal and the Virginia Works Advisory Committee of public and private sector stakeholders to advise the Board. The Virginia Works Board is directed to report annually to the Joint Subcommittee on the Future Competitiveness of Virginia Higher Education and to the Governor and Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Dunnivant*

**FSB1597 Research and development in the Commonwealth.** Makes several changes related to the funding and oversight of research and development initiatives in the Commonwealth. The bill codifies the existing Virginia Biosciences Health Research Corporation (VBHRC) and brings it under the authority of the Innovation and Entrepreneurship Investment Authority (IEIA). The bill also creates a new Capital Research Investment Advisory Committee (Investment Committee), and an accompanying nonstock, nonprofit corporation under the IEIA, to oversee early and seed-stage venture capital invest-

ments. The Virginia Research Investment Committee (VRIC) would provide guidance to the IEIA and the Investment Committee. The Board membership of the IEIA is expanded to include the chairman of the VRIC and the VBHRC. Finally, the bill directs the Secretaries of Commerce and Trade and Education to convene a stakeholder group to review a recent technology report and make recommendations concerning the allocation of resources related to research, development, and commercialization.

*Patron - Saslaw*

**FSB1637 Virginia Human Rights Act; establishment of right to reproductive choice.** Establishes that (i) every individual has a fundamental right to choose or refuse contraception or sterilization and (ii) every individual who becomes pregnant has a fundamental right to choose to carry a pregnancy to term, give birth to a child, or terminate the pregnancy. The bill provides that the Commonwealth shall not deny or interfere with such fundamental rights in the regulation or provision of benefits, facilities, services, or information. The bill further provides that the Commonwealth shall not discriminate in the protection or enforcement of such fundamental rights on the basis of sex, disability, race, ethnicity, gender identity, age, marital status, national origin, immigration status, religion, or sexual orientation.

*Patron - Boysko*

**FSB1651 Research and development in the Commonwealth.** Creates the Partnership for Innovation and Entrepreneurship Authority (the Partnership) to oversee and support research and commercialization in the Commonwealth. The Partnership will be advised by an Investment Advisory Committee, an Entrepreneurship Advisory Committee, and a Research Advisory Committee. Existing grant, loan, and investment funds currently administered by the Innovation and Entrepreneurship Investment Authority and the Virginia Research Investment Committee would be consolidated under the Partnership. The bill repeals the existing Virginia Research Investment Committee.

*Patron - Howell*

**FSB1688 Virginia Public Procurement Act; public institutions of higher education; disclosure required by certain offerors; penalty.** Requires every offeror who submits a proposal to a public institution of higher education for any construction project that (i) has a total cost of \$5 million or more and (ii) uses a procurement method other than competitive sealed bidding to disclose any contributions the offeror or any affiliated entity, or any of their respective officers, directors, managers, or members, has made within the previous five-year period to the public institution of higher education or any private foundation that exists solely to support the public institution of higher education. Any person that knowingly fails to submit such required disclosure is subject to a civil penalty of \$500 and is guilty of a Class 1 misdemeanor.

*Patron - Ruff*

**FSB1703 Library of Virginia; disposition of official correspondence of the Governor.** Requires the Library of Virginia to catalogue and make accessible to the public all correspondence and other records required to be delivered by an outgoing Governor within one year of the delivery of such correspondence and records. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Suetterlein*

## Agriculture, Animal Care, and Food

### Passed

**PHB1625 Animal care; adequate shelter.** Provides that the definition of “adequate shelter” includes the provision of shelter that, during hot weather, is shaded and does not readily conduct heat and, during cold weather, has a windbreak at its entrance and provides sufficient bedding material.

*Patron - Orrock*

**PHB1626 Animal fighting; confiscation of tethered cocks.** Provides that an animal control officer shall confiscate a tethered cock if such cock has been, is, or is intended to be used in animal fighting.

*Patron - Orrock*

**PHB1839 Industrial hemp; federal Farm Bill; emergency.** Conforms Virginia law to the provisions of the federal 2018 Farm Bill by amending the definitions of cannabidiol oil, marijuana, and tetrahydrocannabinol (THC) to exclude industrial hemp in the possession of a registered person, hemp products, or an oil containing no more than 0.3% THC. The bill defines “industrial hemp” as any part of the plant *Cannabis sativa* that has a concentration of THC that is no greater than that allowed by federal law, and it defines “hemp product” as any finished product that is otherwise lawful and that contains industrial hemp. The bill adds the category of “dealer” in industrial hemp to the existing registration categories of grower and processor.

The bill requires any registered grower, dealer, or processor who negligently violates the law to comply with a corrective action plan established by the Commissioner of Agriculture and Consumer Services (the Commissioner). The plan must identify a date by which the person is required to correct the violation and requires the person to report periodically for not less than two calendar years on his compliance with the law. No person who negligently violates the industrial hemp law three times in a five-year period is eligible to grow, deal in, or process industrial hemp for a period of five years beginning on the date of the third violation.

The bill directs the Commissioner to (i) revoke the registration of any registered grower, dealer, or processor who violates the law with a culpable mental state greater than negligence and (ii) advise the Attorney General of the United States and the Superintendent of State Police, or the chief law-enforcement officer of the county or city, when such person grows, deals in, or processes any *Cannabis sativa* with a concentration of THC that is greater than that allowed by federal law with a culpable mental state greater than negligence.

The bill authorizes the Department of Agriculture and Consumer Services (the Department), if it obtains the approval of the U.S. Secretary of Agriculture, to refrain from requiring destruction of industrial hemp until the THC level is greater than 0.6%, and it authorizes the Department at that point to allow a re-test of the industrial hemp if the THC level is no greater than one percent.

The bill abolishes the higher education and Virginia industrial hemp research programs, along with the requirement that a grower or processor act exclusively within such a program. The bill authorizes the Commissioner to charge a fee for cer-

tain THC testing. Finally, the bill directs the Department to report by December 1, 2019, (a) to the General Assembly on the fiscal impact of the growth of the industrial hemp industry upon the Department's registration program and the existence of any need to alter the registration fee and (b) to the Chairmen of the House and Senate Agriculture Committees on the viability of markets for Virginia industrial hemp growers, the types of products made from industrial hemp that can be produced in Virginia, and the economic benefits and costs of production of such products. The bill also directs the Secretary of Agriculture and Forestry and the Secretary of Health and Human Resources to report by November 1, 2019, on the appropriate standards, if any, for the production of an oil with a THC concentration of no greater than 0.3 percent that is derived from industrial hemp. The bill contains an emergency clause.

*Patron - Marshall*

**HB1874 Cruelty to animals; serious bodily injury; penalty.** Provides that any person who tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any dog or cat that is a companion animal whether belonging to him or another and as a direct result causes serious bodily injury to such dog or cat is guilty of a Class 6 felony. Current law requires that the animal die for the person to be guilty of the felony. This bill is identical to SB 1604.

*Patron - Ransone*

**HB2256 Animal remedies containing Cannabis plant; exemption.** Exempts animal remedies that contain any part of the Cannabis plant from certain provisions governing animal remedies, including the requirement that the manufacturer or distributor of an animal remedy obtain a registration for such remedy from the Commissioner of Agriculture and Consumer Services.

*Patron - Pogge*

**HB2689 Livestock definition; alpaca.** Adds animals of the genus Vicugna, which includes alpacas, to the definition of "livestock" in the Domestic Animals law. Under current law, the definition includes animals of the genus Lama, which includes llamas but does not include alpacas.

*Patron - Pogge*

**HB2745 Dangerous dog; deferral of proceedings.** Authorizes a court to defer proceedings in the adjudication of an animal as a dangerous dog. Such authority requires the court to place conditions upon the owner of the animal, the violation of which shall authorize the court to proceed as it otherwise would have. The bill provides that upon the fulfillment of the conditions, the court shall dismiss the proceedings against the animal and the owner.

*Patron - Hope*

**SB1025 Tethering of animals; adequate shelter and space.** Provides that in order to meet the requirement that an animal be given adequate space, a tether must be at least three times the length of the animal or 10 feet in length, whichever is greater, and not cause injury or pain, weigh more than one-tenth of the animal's body weight, or have weights or heavy objects attached to it. Current law requires that the tether be at least three times the length of the animal. The bill exempts agricultural animals from provisions of the law related to tethering. The bill defines "adequate shelter" to mean the provision of shelter that, during hot weather, is shaded and does not readily conduct heat and, during cold weather, has a windbreak at its entrance and provides sufficient bedding material. This bill received Governor's recommendations.

*Patron - Spruill*

**SB1367 Dogs running at large in packs; local ordinance; civil penalty.** Requires a locality that adopts an ordinance to prohibit the running at large of all or any category of dogs to exempt dogs used for hunting and requires such locality to include in such ordinance a civil penalty in an amount established by the locality not to exceed \$100 per dog for the owner or custodian of any dog found running at large in a pack. The bill requires that such civil penalties be deposited by the local treasurer in the dog and cat license fund, which is used to support animal control.

*Patron - Norment*

**SB1462 Comprehensive animal care; enforceable under Virginia Consumer Protection Act.** Subjects provisions related to misrepresentation of animals' conditions to enforcement under the Virginia Consumer Protection Act (§ 59.1-196 et seq.). The bill also increases from one year to two years following the date of sale the period of time for which a pet dealer is required to maintain a copy of the pet dealer's animal history certificate that is signed by the consumer.

*Patron - McPike*

**SB1604 Cruelty to animals; serious bodily injury; penalty.** Provides that any person who tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any dog or cat that is a companion animal whether belonging to him or another and as a direct result causes serious bodily injury to such dog or cat is guilty of a Class 6 felony. Current law requires that the animal die for the person to be guilty of the felony. The bill incorporates SB 1276 and is identical to HB 1874.

*Patron - DeSteph*

**SB1692 Industrial hemp; federal Farm Bill; emergency.** Conforms Virginia law to the provisions of the federal 2018 Farm Bill by amending the definitions of cannabidiol oil, marijuana, and tetrahydrocannabinol (THC) to exclude industrial hemp in the possession of a registered person, hemp products, or an oil containing no more than 0.3% THC. The bill defines "industrial hemp" as any part of the plant Cannabis sativa that has a concentration of THC that is no greater than that allowed by federal law, and it defines "hemp product" as any finished product that is otherwise lawful and that contains industrial hemp. The bill it adds the category of "dealer" in industrial hemp to the existing registration categories of grower and processor.

The bill requires any registered grower, dealer, or processor who negligently violates the law to comply with a corrective action plan established by the Commissioner of Agriculture and Consumer Services (the Commissioner). The plan must identify a date by which the person is required to correct the violation and requires the person to report periodically for not less than two calendar years on his compliance with the law. No person who negligently violates the industrial hemp law three times in a five-year period is eligible to grow, deal in, or process industrial hemp for a period of five years beginning on the date of the third violation.

The bill directs the Commissioner to (i) revoke the registration of any registered grower, dealer, or processor who violates the law with a culpable mental state greater than negligence and (ii) advise the Attorney General of the United States and the Superintendent of State Police, or the chief law-enforcement officer of the county or city, when such person grows, deals in, or processes any Cannabis sativa with a concentration of THC that is greater than that allowed by federal law with a culpable mental state greater than negligence.

The bill authorizes the Department of Agriculture and Consumer Services (the Department), if it obtains the approval of the U.S. Secretary of Agriculture, to refrain from requiring destruction of industrial hemp until the THC level is greater than 0.6%, and it authorizes the Department at that point to allow a re-test of the industrial hemp if the THC level is no greater than one percent.

The bill abolishes the higher education and Virginia industrial hemp research programs, along with the requirement that a grower or processor act exclusively within such a program. The bill authorizes the Commissioner to charge a fee for certain THC testing. Finally, the bill directs the Department to report by December 1, 2019, (a) to the General Assembly on the fiscal impact of the growth of the industrial hemp industry upon the Department's registration program and the existence of any need to alter the registration fee and (b) to the Chairmen of the House and Senate Agriculture Committees on the viability of markets for Virginia industrial hemp growers, the types of products made from industrial hemp that can be produced in Virginia, and the economic benefits and costs of production of such products. The bill also directs the Secretary of Agriculture and Forestry and the Secretary of Health and Human Resources to report by November 1, 2019, on the appropriate standards, if any, for the production of an oil with a THC concentration of no greater than 0.3 percent that is derived from industrial hemp. The bill contains an emergency clause.

*Patron - Ruff*

## Failed

**HB1785 Food establishment inspections; exemptions.** Exempts from inspections by the Commissioner of Agriculture and Consumer Services private homes where the resident processes and prepares any yogurt that has an equilibrium pH value of 4.6 or lower or baked good, subject to certain conditions. Current law exempts only those baked goods that do not require time or temperature control after preparation. The bill removes the requirement that private homes where the resident processes pickles or other acidified vegetables sell less than \$3,000 in gross sales in a calendar year in order to qualify for such exemption. This bill contains technical amendments.

*Patron - Fariss*

**HB1827 Tethering animals; adequate space.** Provides that a tether meets the requirement that an animal be given adequate space if the tether is four times the length of the animal or 15 feet long, whichever is greater, and does not cause injury or pain or weigh more than one-tenth of the animal's body weight. The bill provides that the walking of an animal on a leash by its owner shall not constitute tethering for the purpose of the definition of "adequate space."

*Patron - Orrock*

**HB1894 Dog previously found dangerous; owner's failure to comply; disposition of dog.** Directs a court to consider other options for disposition of a dangerous dog after its owner is found to have willfully failed to comply with certain requirements regarding the registration and keeping of the dangerous dog. The bill directs a court, after it has determined the owner's failure to comply, to order the dog disposed of by adoption or euthanasia, but only after the court has found that none of the following options for disposition of the dog is appropriate: (i) the allowance of as much as 30 days to comply with the law, an option existing under current law; (ii) the transfer of the dog to another owner; or (iii) the removal of the dog to another state not bordering Virginia, with a ban on its return. If a dog that has been ordered removed is later found in

Virginia, the bill requires the court to order it euthanized immediately. The bill also provides that the new options be available to dangerous dogs that are subject on July 1, 2019, to euthanasia orders.

*Patron - Webert*

**HB1897 Equine activity liability; carriage rides.** Incorporates, for the purposes of determining equine activity liability, the act of riding in or driving a carriage or other equine-drawn vehicle into the definition of "equine activity" and adds a person who gives a carriage ride to the definition of "equine professional." The bill includes technical amendments.

*Patron - Ware*

**HB1906 Residential automatic pesticide misting systems; prohibition; civil penalties.** Prohibits, beginning January 1, 2020, the installation or use of any residential automatic pesticide misting system, defined in the bill as a device that is designed to be installed on the grounds or the exterior of a residential dwelling and to automatically spray a pesticide solution at timed intervals. The bill authorizes the Board of Agriculture and Consumer Services to assess a penalty for each day of violation and to adopt regulations to carry out the provisions of the bill.

*Patron - Kory*

**HB2190 Tobacco Indemnification and Community Revitalization Fund; investments in Virginia Venture Capital Accounts.** Authorizes the Tobacco Region Revitalization Commission (the Commission) to invest up to 10 percent of its annual disbursements from the Tobacco Indemnification and Community Revitalization Fund in Virginia venture capital accounts that have been certified by the Department of Taxation.

*Patron - Rush*

**HB2257 Dangerous or vicious dogs; emotional distress damages.** Authorizes a general district court to order the owner of a dog that is found to be a dangerous dog to pay restitution for emotional distress damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The bill also authorizes the court to order the owner of a dog that is found to be a vicious dog to pay restitution for emotional distress damages to any person injured by the animal or to the estate of any person killed by the animal.

*Patron - Pogge*

**HB2274 Meat; food labeling; misbranding.** Provides that a food product shall be deemed misbranded if it purports to be, or is represented as, a meat food product while containing no meat, except to the extent that its label bears the word "imitation" followed by the name of the meat food product being imitated.

*Patron - Webert*

**HB2346 Industrial hemp.** Expands the existing industrial hemp registration program to include a person growing or processing industrial hemp for any purpose. The bill expands the existing definition of "hemp product," redefines "industrial hemp" to include any part of the plant *Cannabis sativa L.* with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis, and excludes from the definition of marijuana any industrial hemp as so defined.

*Patron - Freitas*

**HB2364 Agritourism; weddings.** Amends the definition of "agritourism activity," for purposes of liability, as

well as the statutory limit on the imposition of restrictions by local governments, to include service as a wedding venue for not more than 12 weddings per calendar year, each wedding involving not more than 250 guests.

*Patron - Knight*

**HB2394 Product safety; flame retardants; regulations; fund; civil penalty.** Prohibits the manufacture or sale in the Commonwealth, beginning July 1, 2020, of upholstered furniture intended for residential use or any product that is intended to come into close contact with a person younger than 12 years of age if such upholstered furniture or product contains any flame-retardant chemical listed in the bill. The bill requires the manufacturer of any prohibited product to notify sellers of the prohibition by March 31, 2020, and requires a manufacturer to recall by that date any products that it has sold in violation of the prohibition. Casual or isolated sales of previously owned products containing the listed chemicals are exempted from the prohibition. The bill subjects any manufacturer in the Commonwealth that manufactures a product in violation of the provisions of the bill to a civil penalty of \$5,000 for a first offense or \$10,000 for a second or subsequent offense, and it directs the funds collected to the Virginia Product Safety Fund, created by the bill, to be used solely for the purpose of increasing the safety of consumer products. Finally, the bill directs the Board of Agriculture and Consumer Services to adopt regulations to carry out the provisions of the chapter and to impose the chemical prohibition on certain other consumer products.

*Patron - Lopez*

**HB2580 Prohibited pesticides; chlorpyrifos; penalty.** Prohibits the manufacture, distribution, sale, offer for sale, use, or offer for use of any pesticide containing chlorpyrifos, defined in the bill, as an active ingredient. The bill authorizes the Virginia Department of Agriculture and Consumer Services to seize any such pesticide. Violation of the provision is a Class 1 misdemeanor and includes an additional fine of up to \$500,000 if death or serious physical harm to any person is caused by the violation.

*Patron - Kory*

**HB2590 Animal testing facilities; adoption of dogs and cats.** Requires that prior to euthanasia, any animal testing facility that no longer has use for a dog or cat in its possession that does not pose a health or safety risk to the public offer, for a reasonable period of time, such dog or cat for adoption to a releasing agency or through a private placement. The bill authorizes an animal testing facility to enter into an agreement with a releasing agency for the implementation of the adoption.

*Patron - Kory*

**HB2642 Cruelty to animals with intent to intimidate or threaten a household member; penalty.** Makes any violation relating to cruelty to an animal a Class 6 felony when such violation is carried out with the intent to coerce, intimidate, or harass a family or household member.

*Patron - Levine*

**HB2649 Industrial hemp; testing; destruction.** Requires a registered grower or processor of industrial hemp, if so required by the Commissioner of Agriculture and Consumer Services, to destroy any Cannabis sativa that has been tested and is found to have a concentration of delta-9-tetrahydrocannabinol that is greater than 0.6 percent. Current law requires destruction when Cannabis sativa is found to have a concentration of tetrahydrocannabinol that is greater than that allowed by federal law.

*Patron - Pogge*

**SB1011 Animal Cruelty Conviction List established.** Requires the Superintendent of State Police to establish within the Department of State Police by July 1, 2022, an Animal Cruelty Conviction List that is available to the public on the website of the Department of State Police. The list shall include the names of persons convicted on or after July 1, 2019, of a felony violation of the prohibition against cruelty to animals; animal fighting; maiming, killing, or poisoning an animal; or killing or injuring a police animal. The bill requires any person convicted of any such offense to pay a fee of \$50 per conviction to fund the maintenance of the list. The bill requires the Department of State Police to maintain and regularly update the list and to remove a person from the list 15 years after his information is listed if the person has no additional felony conviction of a relevant animal cruelty offense.

*Patron - Stanley*

**SB1043 Pet shops; procurement of dogs; penalty.** Prohibits a commercial dog breeder from selling a dog without providing to the purchaser a form signed by the breeder stating that the breeder is in full compliance with the requirements for a commercial dog breeder and prohibits a pet shop or dealer from purchasing a dog without obtaining such document. The bill directs the Commissioner of Agriculture and Consumer Services to develop and make available such document on the Department of Agriculture and Consumer Services website. The bill provides that a violation of these prohibitions is a Class 1 misdemeanor.

*Patron - Marsden*

**SB1057 Industrial hemp; definition; exclusion from certain marijuana provisions.** Includes in the definition of "industrial hemp" any compound, manufacture, salt, derivative, mixture, or preparation of the plant Cannabis sativa, its seeds, or its resin that contains a concentration of tetrahydrocannabinol that is no greater than that allowed by federal law. The bill excludes industrial hemp from various provisions related to marijuana, including from Schedule I of the Drug Control Act.

*Patron - Marsden*

**SB1058 Companion animals; care; local ordinances.** Authorizes any locality to adopt an ordinance that parallels and makes more stringent the state law regarding the care of companion animals.

*Patron - Favola*

**SB1065 Rental or lease of dog or cat prohibited; civil penalty.** Prohibits the rental or lease of a dog or cat to a consumer, including by a purported sale of the animal in a manner that vests no permanent ownership in the consumer at the time of the purported sale. The bill prohibits the sale of a dog or cat in which the animal is used as collateral for the agreement or is subject to repossession upon default of the agreement and prohibits any financial institution from offering a loan for which the animal is used as collateral. The bill provides that the Attorney General may bring a civil action to enforce the bill's provisions and that a violator may be subject to a civil penalty of not more than \$5,000. A pet shop, commercial dog breeder, dealer, or other business that violates the provisions of the bill also may have its business license, retail license, or local pet shop permit suspended or revoked. The bill exempts certain animals from its prohibitions, including purebred dogs leased for breeding; dogs or cats used in spectator events, motion pictures, racing, or other entertainment; and service dogs, guide or leader dogs, security dogs, law-enforce-

ment dogs, military working dogs, and certified facility dogs.

*Patron - Stanley*

**SB1276** **Cruelty to animals with intent to intimidate or threaten a household member; penalty.** Makes any violation relating to cruelty to an animal a Class 6 felony when such violation is carried out with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member. This bill was incorporated into SB 1604.

*Patron - Ebbin*

**SB1317** **Incentives for telecommunications companies; provision of wireless broadband services.** Directs the Tobacco Region Revitalization Commission to award at least \$10 million per year in grants to cover expenditures for the purchase and installation of wireless and broadband equipment to rural service areas in the Commonwealth. The bill defines "rural service areas" as any locality with a mean broadband download speed of less than 10 megabits per second, and a mean broadband upload speed of less than one megabit per second. The bill also establishes a sales tax exemption, which would be phased in over four years, for property sold or leased to a telecommunications company and used directly in the rendition of its public service.

*Patron - Edwards*

**SB1642** **Cosmetics animal testing products; prohibition; penalty.** Prohibits a cosmetics manufacturer from selling a cosmetic for which such manufacturer or a cosmetics supplier conducted or contracted for a cosmetics animal test, defined in the bill, with certain exceptions. The bill also authorizes any retailer found to be selling a cosmetic for which a cosmetics animal test was conducted to sell any remaining stock of such product for 180 days after learning that a cosmetics animal test was conducted for the product, but prohibits such retailer from restocking, purchasing, or acquiring any additional inventory of such cosmetic. The bill authorizes the attorney for the Commonwealth in the jurisdiction in which a violation occurs to bring a civil action in the appropriate circuit court for injunctive relief and subjects any cosmetics manufacturer who violates such prohibitions to a civil penalty of up to \$5,000 and an additional \$1,000 for each day the violation continues. The bill has a delayed effective date of January 1, 2020.

*Patron - Boysko*

**SB1658** **Tobacco Indemnification and Community Revitalization Fund; investments in Virginia Venture Capital Accounts.** Authorizes the Tobacco Region Revitalization Commission (the Commission) to invest up to 10 percent of the available balance (as of July 1, 2019) from the taxable portion of the Tobacco Indemnification and Community Revitalization Fund in Virginia venture capital accounts that have been certified by the Department of Taxation.

*Patron - Chafin*

## Alcoholic Beverage Control Act

Passed

**HB1657** **Alcoholic beverage control; annual mixed beverage performing arts facility license.** Creates an annual mixed beverage performing arts facility license, which allows the sale of alcoholic beverages for on-premises consumption at any multipurpose theater that is located in the historical district of the Town of Bridgewater, is owned and

operated by a governmental entity, and has a total capacity in excess of 100 patrons.

*Patron - Landes*

**HB1770** **Alcoholic beverage control; Sunday store hours; distiller commission.** Requires the Alcoholic Beverage Control Authority (the Authority) to pay a distiller who operates a government store on the distiller's licensed premises a commission of not less than 20 percent of the retail price of any goods sold. The bill also allows certain government stores, as determined by the Board of Directors (the Board) of the Authority, to be open on Sundays for the sale of alcoholic beverages after 10:00 a.m. Finally, the bill grants the Board the power to employ or retain in-house legal counsel to advise or represent the Authority in hearings, controversies, or other matters involving the interests of the Authority. The bill provides, however, that upon request by the Board, the Attorney General shall provide legal services for the Authority in accordance with current law. This bill is identical to SB 1668.

*Patron - Knight*

**HB1887** **Posting human trafficking hotline information.** Requires the Virginia Alcoholic Beverage Control Authority and the Virginia Employment Commission to post notice of the existence of a human trafficking hotline in government stores, except for government stores established on a distiller's licensed premises, and in employment offices, respectively, to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance.

*Patron - Miyares*

**HB1905** **Alcoholic beverage control; mixed beverage referendum; exception.** Provides that, notwithstanding the requirement for a referendum for liquor by the drink, the Board of Directors of the Alcoholic Beverage Control Authority may issue a mixed beverage license to establishments located (i) on property fronting Doe Creek Farm Road, located approximately 1,310 feet southeast of the intersection of State Route 613 and Doe Creek Farm Road, and listed on the National Registry of Historic Places, (ii) on property adjacent to the southeast side of the intersection of Route 58 Alternate and Skaggs Hill Road within the boundary of any town incorporated in 1891, (iii) on property along River Bend Drive and 805 feet directly north of Route 58 Alternate within the boundary of any town incorporated in 1891, and (iv) on property fronting the north side of Mullins Avenue to the west of the intersection of Mullins Avenue and Chase Street and located in a town incorporated in 1884.

*Patron - Hurst*

**HB1960** **Alcoholic beverage control; low alcohol beverage coolers.** Allows low alcohol beverage coolers to be manufactured by a licensed distiller or a distiller located outside of the Commonwealth. The bill also allows licensed distillers to use spirits manufactured by another licensed distiller in the manufacture of low alcohol beverage coolers. In addition, the bill allows (i) low alcohol beverage coolers to be sold in government stores and (ii) distillers to sell low alcohol beverage coolers that are manufactured or blended by such distillers at government stores established on their licensed premises.

*Patron - Toscano*

**HB2073** **Alcoholic beverage control; happy hour advertising.** Expands the ability of retail on-premises licensees to advertise happy hours by allowing them to advertise the prices of featured alcoholic beverages and to use creative marketing techniques, provided that such techniques do not tend to

induce overconsumption or consumption by minors. This bill is identical to SB 1726.

*Patron - Bell, John J.*

**HB2367** **Alcoholic beverage control; delivery permits.** Provides that a delivery permittee is only required to collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Alcoholic Beverage Control Authority (the Authority) and any sales taxes to the Department of Taxation for each delivery the permittee makes if such taxes have not already been paid. The bill specifies that delivery permittees must keep records of all deliveries for a period of at least two years and, in addition to current recordkeeping requirements, requires delivery permittees to keep records of the brands of wine and beer delivered and the signatures of the purchasers to whom the wine and beer is delivered. The bill provides that delivery permittees are only required to submit a monthly report to the Authority for any month during which a permittee makes a delivery for which the permittee is required to collect and remit excise taxes due to the Authority. The bill allows deliveries by such permittees to be performed by an independent contractor of the permittee, provided that (i) the permittee has entered into a written agreement with the independent contractor establishing that the permittee shall be vicariously liable for certain administrative violations committed by the independent contractor and (ii) only one individual takes possession of the beer, wine, or farm wine during the course of the delivery.

*Patron - Knight*

**HB2634** **Alcoholic beverage control; local referendums.** Allows the sale of mixed beverages by licensed restaurants and the sale of alcoholic beverages by the Board of Directors of the Virginia Alcoholic Beverage Control Authority in any county, town, or supervisor's election district unless a referendum is held and a majority of the voters voting in such referendum vote to prohibit such sales. Under current law, such sales are prohibited unless they have been approved through the referendum process. The bill includes a grandfathering provision that allows the granting of a mixed beverage license to any establishment described in § 4.1-126, as it was in effect prior to the effective date of this bill, notwithstanding the provisions of the bill related to local referendums but subject to other applicable laws and regulations. The bill has a delayed effective date of July 1, 2020, but allows localities to hold anticipatory referendums between July 1, 2019, and June 30, 2020, and provides that the results of such referendums shall become valid and enforceable on July 1, 2020. The bill provides that the result of any referendum held prior to July 1, 2019, shall remain valid and enforceable for a period of five years. This bill is identical to SB 1110.

*Patron - Hurst*

**SB1110** **Alcoholic beverage control; local referendums.** Allows the sale of mixed beverages by licensed restaurants and the sale of alcoholic beverages by the Board of Directors of the Virginia Alcoholic Beverage Control Authority in any county, town, or supervisor's election district unless a referendum is held and a majority of the voters voting in such referendum vote to prohibit such sales. Under current law, such sales are prohibited unless they have been approved through the referendum process. The bill includes a grandfathering provision that allows the granting of a mixed beverage license to any establishment described in § 4.1-126, as it was in effect prior to the effective date of this bill, notwithstanding the provisions of the bill related to local referendums but subject to other applicable laws and regulations. The bill has a delayed effective date of July 1, 2020, but allows localities to hold anticipatory referendums between July 1, 2019, and June 30, 2020, and provides that the results of such referendums shall

become valid and enforceable on July 1, 2020. The bill provides that the result of any referendum held prior to July 1, 2019, shall remain valid and enforceable for a period of five years. This bill is identical to HB 2634.

*Patron - Reeves*

**SB1171** **Alcoholic beverage control; local special events license.** Creates a local special events license, which allows a locality, business improvement district, or nonprofit organization to permit the consumption of alcoholic beverages within the area designated by the Board of Directors of the Virginia Alcoholic Beverage Control Authority for a special event, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee located within such designated area and are contained in disposable containers that clearly display the selling licensee's name or logo. The bill limits local special events licensees to 12 events per year and provides that the area designated for the special event may include sidewalks and the premises of businesses not licensed to sell alcoholic beverages, upon approval of such businesses.

*Patron - McPike*

**SB1420** **Alcoholic beverage control; alcoholic beverage licenses.** Creates a coworking establishment license that allows facilities that have at least 100 members and offer shared office space to serve wine and beer to members and guests on the licensed premises. The bill imposes a \$500 annual state tax and a \$50 annual local tax on the license. The bill also creates a bespoke clothier establishment license that allows permanent retail establishments that offer, by appointment only, custom made apparel and that offer a membership program to customers to serve wine or beer for on-premises consumption upon the licensed premises approved by the Board to any member. The bill imposes a \$100 annual state tax and a \$20 annual local tax on the license.

*Patron - Sturtevant*

**SB1668** **Alcoholic beverage control; Sunday store hours; distiller commission.** Requires the Alcoholic Beverage Control Authority (the Authority) to pay a distiller who operates a government store on the distiller's licensed premises a commission of not less than 20 percent of the retail price of any goods sold. The bill also allows certain government stores, as determined by the Board of Directors (the Board) of the Authority, to be open on Sundays for the sale of alcoholic beverages after 10:00 a.m. Finally, the bill grants the Board the power to employ or retain in-house legal counsel to advise or represent the Authority in hearings, controversies, or other matters involving the interests of the Authority. The bill provides, however, that upon request by the Board, the Attorney General shall provide legal services for the Authority in accordance with current law. This bill is identical to HB 1770.

*Patron - Reeves*

**SB1709** **Alcoholic beverage control; distiller licensees; monthly revenue transfers; case fees.** Provides that monthly revenue transfers from a licensed distiller to the Board of Directors of the Virginia Alcoholic Beverage Control Authority (i) may be submitted electronically and through other methods approved by the Board and (ii) shall be limited to the amount due to the Board in applicable taxes and mark-ups. The bill prohibits the Board from charging a case fee for moving spirits to the tasting area of a government store established on the premises of a licensed distillery when such spirits are moved by employees of the licensed distiller. The bill has a delayed effective date of July 1, 2020.

*Patron - Peake*

**SB1726** **Alcoholic beverage control; happy hour advertising.** Expands the ability of retail on-premises licensees

to advertise happy hours by allowing them to advertise the prices of featured alcoholic beverages and to use creative marketing techniques, provided that such techniques do not tend to induce overconsumption or consumption by minors. This bill incorporates SB 1170 and is identical to HB 2073.

*Patron - McDougle*

## Failed

**HB1784** **Alcoholic beverage control; spirit samples.** Increases the amount of spirits that may be offered as a sample at government stores and special events from one-half ounce to one ounce and the amount that can be offered in a mixed drink from one and one-half ounces to two ounces. The bill eliminates the prohibition on providing more than four samples of alcoholic beverage products or, in the case of spirits samples, more than three ounces of spirits to any person per day and removes the requirement that distillers use a method to track the consumption of each consumer.

*Patron - Fariss*

**HB1813** **Alcoholic beverage control; interdiction; possession or consumption of alcoholic beverages by interdicted persons; repeal.** Repeals provisions allowing for a court to enter an order of interdiction prohibiting the sale of alcoholic beverages to any person who has (i) been convicted of driving any automobile, truck, motorcycle, engine, or train while intoxicated; (ii) shown himself to be a habitual drunkard; (iii) been found guilty of the illegal manufacture, possession, transportation, or sale of alcoholic beverages; or (iv) been found guilty of maintaining a common nuisance. The bill also repeals provisions making it a Class 1 misdemeanor for (a) any person to sell alcoholic beverages to any individual when at the time of such sale he knows or has reason to believe that the individual to whom the sale is made is interdicted, (b) any person to purchase alcoholic beverages for another person when at the time of such purchase he knows or has reason to believe that the person for whom the alcoholic beverage is purchased is interdicted, or (c) any person who has been interdicted to possess any alcoholic beverages or be drunk in public. The bill contains technical amendments.

*Patron - Carroll Foy*

**HB2013** **Alcoholic beverage control; definition of confectionery.** Defines “confectionery,” as used in the Alcoholic Beverage Control Act, as sweet foods, including baked goods, candies, jams, jellies, puddings, ice creams, sorbets, and yogurts.

*Patron - Peace*

**HB2156** **Alcoholic beverage control; definition of “day spa.”** Removes the requirement that in order to qualify as a day spa for ABC purposes, a commercial establishment must offer to the public both licensed massage therapy and licensed barbering or cosmetology services. The bill provides that a commercial establishment qualifies as a day spa so long as the commercial establishment offers to the public licensed barbering or cosmetology services.

*Patron - Plum*

**HB2179** **Alcoholic beverage control; coworking establishment license.** Creates a coworking establishment license that allows facilities that have at least 25 members and offer shared office space to serve wine and beer to members and guests on the licensed premises. The bill imposes a \$100 annual state tax and a \$20 annual local tax on the license.

*Patron - Rodman*

**HB2301** **Alcoholic beverage control; limited mixed beverage license for retail cigar shops.** Creates a new limited mixed beverage license for retail cigar shops and sets out the privileges of this new license, including a requirement that at least 60 percent of the licensee's annual gross revenue be from the sale of premium tobacco products. The bill defines “cigar shop” and sets out the state and local license taxes for this license.

*Patron - Collins*

**HB2373** **Marijuana; legalization of simple marijuana possession; penalty.** 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 less than (i) two and one-half ounces of marijuana or (ii) 12 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 micro-businesses 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 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 Highway Maintenance and Operating Fund.

*Patron - Carter*

**HB2522** **Alcoholic beverage control; annual mixed beverage special events licenses; combined annual mixed beverage special events and mixed beverage caterer's licenses; agritourism resorts.** Allows “agritourism resorts,” as defined in the bill, to obtain annual mixed beverage special events licenses, which authorize such resorts to (i) sell alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board of Directors of the Virginia Alcoholic Beverage Control Authority and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms. The bill also creates a combined annual mixed beverage special events and mixed beverage caterer's license, which may be granted to any agritourism resort that meets the licensure qualifications for both licenses for the same business premises, and authorizes the agritourism resort to maintain a common alcoholic beverage inventory for purposes of both licensed operations.

*Patron - Fowler*

**HB2703** **Alcoholic beverage control; distiller licensees; commissions and fees.** Requires the Board of Directors of the Virginia Alcoholic Beverage Control Authority to pay a licensed distiller a commission of 25 percent of the retail price of any spirits sold by the distiller at a government store on his licensed premises. The bill provides that monthly revenue transfers resulting from such sales (i) may be submitted electronically and through other methods approved by the Board and (ii) shall be limited to the amount due to the Board in applicable taxes and markups. The bill prohibits the Board from (a) imposing a markup on spirits sold during an organized

tasting event, provided that such spirits are manufactured on the licensed premises or on contiguous premises of the licensed distillery conducting such tasting event, or (b) charging a case fee for moving spirits to the tasting area of a government store established on the premises of a licensed distillery when such spirits are moved by employees of the licensed distiller.

*Patron - Freitas*

**SB1064** **Alcoholic beverage control; privileges of farm winery licensees and limited brewery licensees.** Expands the privileges of farm winery licensees by allowing them to sell at retail beer manufactured by limited brewery licensees for on-premises consumption. The bill also expands the privileges of limited brewery licensees by allowing them to sell at retail wine manufactured by farm winery licensees for on-premises consumption.

*Patron - Stanley*

**SB1170** **Alcoholic beverage control; happy hour advertising.** Expands the ability of retail on-premises licensees to advertise happy hours by allowing them to advertise the prices of featured alcoholic beverages and to use creative marketing techniques, provided that such techniques do not tend to induce overconsumption or consumption by minors. This bill was incorporated into SB 1726.

*Patron - McPike*

**SB1242** **Alcoholic beverage control; mixed beverage restaurant license; penalties.** Allows mixed beverage restaurant licensees that specialize in the sale of high-end spirits to calculate, for purposes of the food-to-beverage ratio, gross receipts from the sale of mixed beverages by multiplying the liters of spirits sold by such licensee by the average price charged for one liter of spirits by mixed beverage restaurant licensees in the Commonwealth. The bill prohibits categorizing a restaurant as specializing in high-end spirits unless it has been licensed as a mixed beverage restaurant for not less than 12 months and had food and nonalcoholic beverage sales for the immediately preceding 12 months that would have met the food-to-beverage ratio imposed on restaurants that specialize in the sale of high-end spirits. The bill further directs the Board of Directors of the Virginia Alcoholic Beverage Control Authority to consider the following when determining whether a restaurant specializes in high-end spirits: (i) the average price of mixed beverages sold by such restaurant, (ii) the average price of spirits purchased by such restaurant from the Board, (iii) the average price of spirits held by such restaurant in inventory, and (iv) the restaurant's seating capacity at tables and according to its certificate of occupancy. The bill also requires the Board to promulgate regulations that prescribe the terms and conditions under which the Board may suspend the privilege of a mixed beverage licensee to purchase spirits from the Board upon such licensee's failure to submit any records or other documents necessary to verify the licensee's compliance with applicable minimum food sale requirements within 30 days of the date such records or documents are due.

*Patron - Reeves*

**SB1245** **Alcoholic beverage control; annual mixed beverage special events licenses; combined annual mixed beverage special events and mixed beverage caterer's licenses; agritourism resorts.** Allows "agritourism resorts," as defined in the bill, to obtain annual mixed beverage special events licenses, which authorizes such resorts to (i) sell alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board of Directors of the Virginia Alcoholic Beverage Control Authority and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms. The bill also creates a

combined annual mixed beverage special events and mixed beverage caterer's license, which may be granted to any agritourism resort that meets the licensure qualifications for both licenses for the same business premises, and authorizes the agritourism resort to maintain a common alcoholic beverage inventory for purposes of both licensed operations.

*Patron - Reeves*

**SB1683** **Alcoholic beverage control; food-to-beverage ratio.** Provides an alternative to the food-to-beverage ratio for mixed beverage restaurant licensees by allowing such licensees to meet applicable food sale requirements by demonstrating at least \$500,000 in annual food sales.

*Patron - Cosgrove*

## Behavioral Health and Developmental Services

### Passed

**HB2045** **Department of Behavioral Health and Developmental Services; certification of recovery residences; regulations; civil penalties.** Provides for the promulgation of regulations for the certification of recovery residences by the Department of Behavioral Health and Developmental Services. The bill defines "recovery residence" as a housing facility that provides alcohol-free and illicit-drug-free housing to individuals with substance abuse disorders and individuals with co-occurring mental illnesses and substance abuse disorders that does not include clinical treatment services. The bill prohibits any person from advertising, representing, or otherwise implying to the public that a recovery residence or other housing facility is a certified recovery residence unless it is certified by the Department. The bill authorizes the Department to assess a civil penalty for violations of this prohibition.

*Patron - Hurst*

**HB2652** **Regulation of licensed providers; Board of Behavioral Health and Developmental Services to require disclosure of certain information about employees.** Directs the Board of Behavioral Health and Developmental Services to amend regulations governing licensed providers to require every licensed provider to provide a statement regarding the character, ability, and fitness for employment of a current or past employee or other individual currently or previously associated with the provider in a capacity that requires a criminal history background check to any other licensed provider with which the current or past employee has applied for employment or to fill a role that requires a criminal history background check upon receipt of a request for such information from the other licensed provider and written consent to the disclosure of such information executed by the current or past employee or other individual currently or previously associated with the provider in a capacity that requires a criminal history background check.

*Patron - Hope*

**SB1135** **Local departments of social services; foster care; notice of developmental disability.** Directs local departments of social services to notify the appropriate community services board as soon as it is known that a child in the foster care system has a developmental disability so that the community services board may screen the child for placement on the statewide developmental disability waiver waiting list.

*Patron - Favola*

**SB1488 Department of Behavioral Health and Developmental Services; causes of high state hospital census; report.** Directs the Secretary of Health and Human Resources to convene a stakeholder work group to examine the causes of the high census at the Commonwealth's state hospitals for individuals with mental illness, including (i) the impact on such census of the practice of conducting evaluations of individuals who are the subject of an emergency custody order in hospital emergency departments, the treatment needs of individuals with complex medical conditions, the treatment needs of individuals who are under the influence of alcohol or other controlled substances, and the need to ensure that individuals receive treatment in the most appropriate setting to meet their physical and behavioral health care needs and (ii) the potential impact on such census of extending the time frame during which an emergency custody order remains valid, revising security requirements to allow custody of a person who is the subject of an emergency custody order to be transferred from law enforcement to a hospital emergency department, diverting individuals who are the subject of an emergency custody order from hospital emergency departments to other more appropriate locations for medical and psychological evaluations, and preventing unnecessary use of hospital emergency department resources by improving the efficiency of the evaluation process. The work group shall analyze how such issues affect both adults and children. The work group shall develop recommendations for both long-term and short-term solutions to the high census at the Commonwealth's state hospitals for individuals with mental illness and shall report such recommendations to the Chairmen of the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century, the House Committee on Appropriations, the House Committee for Courts of Justice, the Senate Committee on Finance, and the Senate Committee for Courts of Justice by November 1, 2019.

*Patron - Hanger*

**SB1644 Department of Behavioral Health and Developmental Services; plan for sharing inmate health information between community services boards and local and regional jails.** Directs the Department of Behavioral Health and Developmental Services (DBHDS) to convene a work group to study the issue of and develop a plan for sharing protected health information of individuals with mental health treatment needs who have been confined to a local or regional jail in the Commonwealth and who have previously received mental health treatment from a community services board or behavioral health authority in the Commonwealth. The bill requires DBHDS to report by October 1, 2019, to the Governor and the General Assembly on (i) development of the plan, (ii) the content of the plan, and (iii) the steps necessary to implement the plan, including any statutory or regulatory changes and any necessary appropriations.

*Patron - Boysko*

## Failed

**HB1852 Civil commitment of sexually violent predators; petition for release; procedures.** Provides that when a petition for release of a sexually violent predator who has been civilly committed has been made by the Commissioner of Behavioral Health and Developmental Services, no further evaluation of the committed respondent shall be required unless otherwise deemed necessary by the court. Under current law, if the Commissioner's recommendation is to release the committed respondent, such respondent's condition and need for secure inpatient treatment shall be evaluated by a

second person with certain credentials to make such evaluations.

*Patron - Hope*

**HB2710 Emergency custody orders and preliminary detention orders; transportation; reimbursement.** Provides that if any health benefit plan provides coverage for the transportation of a covered person subject to an emergency custody order or a temporary detention order, any law-enforcement agency providing such transportation services to such covered person shall receive reimbursement for such services directly from the health carrier issuing such plan, when the health carrier is presented with an assignment of benefits by the law-enforcement agency providing such services. The bill limits such reimbursement to \$35 per hour and mileage as prescribed by law for travel on state business for every mile of actual travel.

*Patron - Campbell, J.L.*

**HB2763 Persons on conditional release; tracking device; penalty.** Provides that any person who was civilly committed as a sexually violent predator who alters, removes, or destroys any GPS (Global Positioning System) tracking device, or other similar device placed on such person as a condition of conditional release, is guilty of a Class 6 felony.

*Patron - Turpin*

**SB1071 Closure of the Central Virginia Training Center prohibited.** Provides that the Central Virginia Training Center shall not be closed and shall instead remain open.

*Patron - Peake*

**SB1072 Training center; definition.** Defines "training center" as a regional facility operated by the Department of Behavioral Health and Developmental Services that is certified by the Centers for Medicare and Medicaid Services (CMS) as an intermediate care facility for individuals with intellectual disability (ICF/IID). The bill provides that ICF/IID certification does not preclude additional CMS certifications as appropriate.

*Patron - Peake*

**SB1741 Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.** Requires the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education and the Department for the Deaf and Hard-of-Hearing, to (i) select, with input from an advisory committee that the bill establishes, language development milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

*Patron - Edwards*

**SB1764 Emergency custody orders; period of custody.** Provides that a person shall remain in custody under an emergency custody order until a temporary detention order

is served. Under current law, such person remains in custody until a temporary detention order is issued.

*Patron - Suetterlein*

## Civil Remedies and Procedure

### Passed

**HB1675 Servicemembers Civil Relief Act; attorney fees.** Provides that, where the appointment of counsel is necessary pursuant to the Servicemembers Civil Relief Act, any attorney fees assessed shall not exceed \$125, unless the court deems a higher amount appropriate.

*Patron - Lindsey*

**HB1767 Wrongful death beneficiaries; parents who received support or services from the deceased for necessities.** Adds parents who received support or services from the deceased for necessities within 12 months prior to the decedent's death to the primary list of beneficiaries who may receive a distribution of wrongful death damages. The bill applies only to causes of action arising on or after July 1, 2019. This bill is identical to SB 1543.

*Patron - Jones, J.C.*

**HB1814 Deferral of jury service; persons who have legal custody of and are responsible for the care of a child.** Provides that a court may defer or limit jury service of persons who have legal custody of and are responsible for a child or children 16 years of age or younger requiring continuous care by such person during normal court hours to the term of court next after such period of responsibility ends. Under current law, persons with such responsibility are exempt upon request, but no provision is given for the court to defer such person's jury service until after such period of responsibility ends.

*Patron - Hope*

**HB1820 Nondisclosure or confidentiality agreement; sexual assault; condition of employment.** Prohibits an employer from requiring an employee or a prospective employee to execute or renew any provision in a nondisclosure or confidentiality agreement that has the purpose or effect of concealing the details relating to a claim of sexual assault as a condition of employment.

*Patron - Delaney*

**HB1909 Habeas corpus.** Reorganizes, updates outdated language, and removes unused provisions in several writ of habeas corpus statutes. The bill clarifies certain procedural issues such as service, venue, amendments for failure to name a proper party respondent, necessity of a response, and transfer for evidentiary hearings. This bill is a recommendation of the Judicial Council. This bill is identical to SB 1069.

*Patron - Leftwich*

**HB1922 Summons for unlawful detainer; initial hearing; subsequent filings; termination notice.** Provides that if an initial hearing on a summons for unlawful detainer cannot be held within 21 days from the date of filing, it shall be held as soon as practicable, but not later than 30 days after the date of the filing. The bill further provides that an order of possession for the premises in an unlawful detainer action shall not be entered unless the plaintiff or the plaintiff's attorney or agent has presented a copy of a proper termination notice that the court admits into evidence. The bill allows a plaintiff to amend the amount alleged to be due and owing in an unlawful detainer

action to request all amounts due and owing as of the date of a hearing on the action and to further amend such an amount to include additional amounts that become due and owing prior to the final disposition of a pending unlawful detainer action. The bill prohibits a plaintiff from filing a subsequent and additional unlawful detainer summons for such additional amounts and is identical to SB 1627.

*Patron - Bourne*

**HB1924 Summons to compel attendance before commissioner of another state.** Removes the authorization of a summons to compel attendance of a citizen of the Commonwealth before commissioners or other persons appointed by authority of another state when the summons requires the attendance of such witness at a place not out of his county or city. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Bourne*

**HB1955 Appellate damages.** Specifies that when any judgment is affirmed, whether in whole or in part, damages shall be awarded to the appellee on the portion of the judgment affirmed. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Campbell, J.L.*

**HB2007 Eviction; writs of possession and eviction.** Changes the terminology from writ of possession to writ of eviction for the writ executed by a sheriff to recover real property pursuant to an order of possession. The bill specifies that an order of possession remains effective for 180 days after being granted by the court and clarifies that any writ of eviction not executed within 30 days of its issuance shall be vacated as a matter of law, and no further action shall be taken by the clerk. As introduced, this bill is a recommendation of the Virginia Housing Commission and is identical to SB 1448.

*Patron - Aird*

**HB2167 Deposition of corporate officer.** Provides that when an officer, as defined in the bill, who is called as a deposition witness files a motion for a protective order because the discovery sought by the deposition is obtainable from some other source that is more convenient, less burdensome, or less expensive, the burden is on the party seeking the deposition to defeat such a motion by showing that (i) the officer's deposition is reasonably calculated to lead to the discovery of admissible evidence, (ii) the officer may have personal knowledge of discoverable information that cannot be discovered through other means, and (iii) a deposition of a representative other than the officer or other methods of discovery are unsatisfactory, insufficient, or inadequate. This bill is identical to SB 1457.

*Patron - Peace*

**HB2197 Summary judgment; limited use of discovery depositions and affidavits.** Allows for the limited use of discovery depositions and affidavits in support of or in opposition to a motion for summary judgment, provided that the only parties to the action are business entities and the amount at issue is \$50,000 or more. This bill is identical to SB 1486.

*Patron - Gilbert*

**HB2242 Statute of limitations; action based on an unsigned, written contract.** Provides that the statute of limitations for an action based on an unsigned, written contract is three years after the cause of action has accrued. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Sullivan*

**HB2289** **Jurisdiction of claim; plaintiff's motion to amend claim amount; transfer of matter.** Provides that, where a matter is pending in either the general district court or the circuit court, upon motion of the plaintiff seeking to amend the amount of the claim, the court shall order transfer of the matter to the court having jurisdiction over the claim without requiring a dismissal of the claim or a nonsuit. The bill further provides that, where such an amended claim provides the general district court and the circuit court with concurrent jurisdiction over such a claim, the court shall transfer the matter to either the general district court or the circuit court, as directed by the plaintiff, provided that such court otherwise has jurisdiction over the matter. The bill further provides that, except for good cause shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10 days before trial. The bill further provides that the plaintiff shall pay filing and other fees to the clerk of the court to which the case is transferred, prepare and present the order of transfer to the transferring court for entry, and provide a certified copy of the transfer order to the receiving court.

*Patron - Leftwich*

**SB1069** **Habeas corpus.** Reorganizes, updates outdated language, and removes unused provisions in several writ of habeas corpus statutes. The bill clarifies certain procedural issues such as service, venue, amendments for failure to name a proper party respondent, necessity of a response, and transfer for evidentiary hearings. This bill is a recommendation of the Judicial Council. This bill is identical to HB 1909.

*Patron - Obenshain*

**SB1448** **Eviction; writs of possession and eviction.** Changes the terminology from writ of possession to writ of eviction for the writ executed by a sheriff to recover real property pursuant to an order of possession. The bill specifies that an order of possession remains effective for 180 days after being granted by the court and clarifies that any writ of eviction not executed within 30 days of its issuance shall be vacated as a matter of law, and no further action shall be taken by the clerk. As introduced, this bill is a recommendation of the Virginia Housing Commission and is identical to HB 2007.

*Patron - Locke*

**SB1457** **Deposition of corporate officer.** Provides that when an officer, as defined in the bill, who is called as a deposition witness files a motion for a protective order because the discovery sought by the deposition is obtainable from some other source that is more convenient, less burdensome, or less expensive, the burden is on the party seeking the deposition to defeat such a motion by showing that (i) the officer's deposition is reasonably calculated to lead to the discovery of admissible evidence, (ii) the officer may have personal knowledge of discoverable information that cannot be discovered through other means, and (iii) a deposition of a representative other than the officer or other methods of discovery are unsatisfactory, insufficient, or inadequate. This bill is identical to HB 2167.

*Patron - Vogel*

**SB1486** **Summary judgment; limited use of discovery depositions and affidavits.** Allows for the limited use of discovery depositions and affidavits in support of or in opposition to a motion for summary judgment, provided that the only parties to the action are business entities and the amount at issue is \$50,000 or more. This bill is identical to HB 2197.

*Patron - Obenshain*

**SB1543** **Wrongful death beneficiaries; parents who received support or services from the deceased for necessities.** Adds parents who received support or services from the deceased for necessities within 12 months prior to the decedent's death to the primary list of beneficiaries who may receive a distribution of wrongful death damages. The bill applies only to causes of action arising on or after July 1, 2019. This bill is identical to HB 1767.

*Patron - Surovell*

**SB1619** **Spoilation of evidence.** Establishes that a party or potential litigant has a duty to preserve evidence that may be relevant to reasonably foreseeable litigation. The bill further provides that a court (i) upon finding prejudice to another party from loss, disposal, alteration, concealment, or destruction of such evidence, may order measures no greater than necessary to cure the prejudice, or (ii) only upon finding that the party acted recklessly or with the intent to deprive another party of the evidence's use in the litigation, may (a) presume that the evidence was unfavorable to the party, (b) instruct the jury that it may or shall presume that the evidence was unfavorable to the party, or (c) dismiss the action or enter a default judgment. The bill further provides that no independent cause of action for negligent or intentional spoliation of evidence is created.

*Patron - Obenshain*

**SB1627** **Summons for unlawful detainer; initial hearing; subsequent filings; termination notice.** Provides that if an initial hearing on a summons for unlawful detainer cannot be held within 21 days from the date of filing, it shall be held as soon as practicable, but not later than 30 days after the date of the filing. The bill further provides that an order of possession for the premises in an unlawful detainer action shall not be entered unless the plaintiff or the plaintiff's attorney or agent has presented a copy of a proper termination notice that the court admits into evidence. The bill allows a plaintiff to amend the amount alleged to be due and owing in an unlawful detainer action to request all amounts due and owing as of the date of a hearing on the action and to further amend such an amount to include additional amounts that become due and owing prior to the final disposition of a pending unlawful detainer action. The bill prohibits a plaintiff from filing a subsequent and additional unlawful detainer summons for such additional amounts. This bill is a recommendation of the Virginia Housing Commission and is identical to HB 1922.

*Patron - Barker*

**SB1638** **Newspapers; legal notice and publications; requirements.** Alters the requirements for newspapers that may be used for legal notices and publications by (i) changing the publication and circulation requirement from 24 consecutive weeks to at least 50 of the preceding 52 weeks and requiring such publication be in printed form; (ii) requiring that such a newspaper provide general news coverage of the area in which the notice is to be published; and (iii) requiring that such a newspaper have a periodicals mailing permit issued by the United States Postal Service. The bill further provides that a newspaper that lacks a periodicals permit issued by the United States Postal Service may petition the circuit court for the jurisdiction in which such notices or publications are to be published, as opposed to where such newspaper is located as current law requires, for the authority to be certified as a newspaper of general circulation. The bill further allows a locality that determines that no newspaper published in such locality otherwise meets the requirements that enable it to be a newspaper for the use of such notices and publications to petition the circuit court in the jurisdiction in which such notices and publications are to be published for the authority to be published in

another medium. The bill specifies that such petition shall not be filed without majority approval of the locality's local governing body. The bill requires that any newspaper authorized to publish such notices and publications shall also (a) print such notices and publications in a prominent location in such newspaper with an identifying heading in boldface letters no smaller than 24-point type and (b) maintain at least three years' worth of print archives of such newspaper and make such archives available for public inspection. The bill further requires that a newspaper shall post a notice on the newspaper's website, if such a website is published by such newspaper, and on a searchable, statewide repository website established and maintained as a joint venture of the majority of Virginia newspapers as a repository for such notices. The bill provides that any notice published on a website shall be accessible to the public at no charge.

*Patron - Boysko*

**SB1724 Employment records; written request from employee; subpoena duces tecum; penalty for failure to provide.** Provides that an employer shall furnish a copy of certain employment records or papers within 30 days of receipt of a written request of a current or former employee or employee's attorney. The bill provides that the employer may charge a reasonable fee to comply with such a request. The bill further provides that a subpoena duces tecum may be issued upon the failure of an employer to comply with such a written request and that if the court finds that an employer willfully refused to comply with such a written request, as outlined in the bill, the court may award damages for all expenses incurred by the employee. The bill provides that copies of an employee's records or papers may be withheld from such employee if the employee's treating physician or clinical psychologist states that providing such records to such employee would be reasonably likely to endanger the life or physical safety of the employee or another person. This bill incorporates SB 1682.

*Patron - Norment*

## Failed

**HB1624 Sanctions; other frivolous pleadings.** Provides that a court may consider other similar, previously filed pleadings, motions, or other papers filed by a person in violation of the sanctions statute in determining sanctions on the case immediately before the court.

*Patron - Orrock*

**HB1888 Limitations period; sexual abuse.** Eliminates the civil statute of limitations period for injury resulting from sexual abuse occurring during the infancy or incapacity of the abused person.

*Patron - Miyares*

**HB2027 Action against parents for minor knowingly possessing a firearm on school property; civil liability.** Creates a civil cause of action against the parent, guardian, legal custodian, or other person standing in loco parentis of a minor for injury to the person or property of another or for wrongful death resulting from the minor knowingly possessing a firearm on school property if it can be shown by clear and convincing evidence that the minor came into possession of such firearm because of the failure of the civil defendant to reasonably secure the firearm. The bill provides that any recovery from the parent, guardian, legal custodian, or other person standing in loco parentis of such minor shall not preclude full recovery from such minor, except to the amount of recovery

from such parent, guardian, legal custodian, or other person standing in loco parentis.

*Patron - Murphy*

**HB2044 Medical records; subpoena duces tecum; additional time to comply.** Provides that a health care provider may make a written request to the party requesting the subpoena duces tecum or the party on whose behalf the subpoena was issued for such party's consent to an additional seven days within which to comply with such subpoena, which consent shall not be unreasonably withheld, provided such subpoena was served within 15 days of the return date and provided such additional time does not adversely affect a party's ability to timely prepare for trial, depositions, or such other proceeding.

*Patron - McGuire*

**HB2111 Immunity from civil liability; abuse of process, malicious prosecution, or intentional infliction of emotional distress; statements made in the course of judicial proceedings or communications made relating to criminal conduct.** Adds statements made in the course of judicial proceedings and communications made to any government officer relating to potential criminal conduct to the list of persons' statements that are immune from certain actions or civil liability. The list further adds abuse of process, malicious prosecution, and intentional infliction of emotional distress to the list of actions from which such person is immune.

*Patron - Hurst*

**HB2250 Protected information; newspersons engaged in journalism.** Provides that no newsperson engaged in journalism shall be compelled to testify about, disclose, or produce protected information, as defined in the bill, except when the court finds that (i) the protected information is highly relevant and necessary to the proof of an issue material to an administrative, civil, or criminal proceeding; (ii) the protected information is not obtainable from any alternative source; (iii) the Commonwealth or locality exhausted all reasonable methods for obtaining the protected information from all relevant alternative sources, if applicable; and (iv) there is an overriding public interest in the disclosure of the protected information, including preventing harm to or death of a person. The bill further provides that any information obtained in violation of the provisions of the bill shall be inadmissible for any purpose in an administrative, civil, or criminal proceeding.

*Patron - Roem*

**HB2415 Business records electronically registered on a blockchain self-authenticating.** Creates a rebuttable presumption that a business record electronically registered on a blockchain is a self-authenticating document for certain facts. The bill provides that such presumption does not extend to the truthfulness, validity, or legal status of the contents of the fact or record. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Davis*

**SB1084 Use of firearm in commission of crime; civil liability.** Provides that a person may be held civilly liable for injury to the person or property of another or for wrongful death resulting from the use of a firearm in the commission of a crime if it can be shown by clear and convincing evidence that the firearm came into the possession of the person who committed the crime because of the failure of the civil defendant to reasonably secure the firearm from theft or unauthorized possession. The bill provides that a civil defendant exercising the ordinary standard of care for securing firearms will not be held civilly liable.

*Patron - Marsden*

**SB1117 Uninsured and underinsured motorist insurance policies; bad faith.** Provides that if an insurance company denies, refuses, or fails to pay its insured, or refuses a reasonable settlement demand within the policy's coverage limits for a claim for uninsured or underinsured motorist benefits within a reasonable time after being presented with a demand for such benefits and it is subsequently found that such denial, refusal, or failure was not in good faith, then the insurance company shall be liable to the insured for the full amount of the judgment and reasonable attorney fees, expenses, and interest.

*Patron - Petersen*

**SB1190 Uniform Partition of Heirs Property Act.** Creates the Uniform Partition of Heirs Property Act, which preserves 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, 2019.

*Patron - Dance*

**SB1309 Immunity of employers and potential employers; reports of violent behavior.** Provides civil immunity to an employer who makes a report to a potential employer or law-enforcement agency of violent or threatened violent behavior, as defined in the bill, by an employee or former employee, provided that such a report was made in good faith and with reasonable cause to make such report. The bill further provides immunity to a potential employer who receives such a report and takes reasonable action in good faith to respond to the violent or threatened violent behavior noted in such report. The bill further provides that the court shall award reasonable attorney fees and costs to any employer or potential employer who has a suit dismissed against him pursuant to the immunity provided to him.

*Patron - Edwards*

**SB1682 Employment records; written request from employee; subpoena duces tecum; penalty for failure to provide.** Provides that an employer shall furnish a copy of certain employment records or papers within 30 days of receipt of a written request of a current or former employee or employee's attorney. The bill provides that the employer may charge a reasonable fee to comply with such a request. The bill further provides that a subpoena duces tecum may be issued upon the failure of an employer to comply with such a written request and that if the court finds that an employer willfully refused to comply with such a written request, as outlined in the bill, the court may award damages for all expenses incurred by the employee. This bill was incorporated into SB 1724.

*Patron - Mason*

## Commonwealth Public Safety

Passed

**HB1656 School security officers; employment by private or religious schools; carrying a firearm in performance of duties.** Allows private or religious schools to employ a school security officer and to authorize a school security officer to carry a firearm in the performance of his

duties, subject to the same criteria for carrying a firearm in the performance of his duties imposed on a school security officer employed by the local school board. The bill also updates the definition of school security officer in the assault and battery statute.

*Patron - Cole*

**HB1884 Visitors at state correctional facilities; wearing of tampons or menstrual cups.** Directs the Director of the Department of Corrections to review the Department's visitation policies concerning visitors' wearing of tampons or menstrual cups at state correctional facilities and shall revise such policies as necessary to permit such visitors to wear tampons or menstrual cups. The bill directs the Department to make the policy available to the public as soon as practicable and to provide a copy to the Chairmen of the House Committee on Militia, Police and Public Safety and the Senate Committee on Rehabilitation and Social Services by November 1, 2019.

*Patron - Keam*

**HB2089 Sex Offender and Crimes Against Minors Registry; reregistration schedule.** Changes the dates for required reregistration of persons on the Sex Offender and Crimes Against Minors Registry (the Registry) from a repeating specified number of days after initial registration to time periods corresponding to such person's birth month and the first letter of such person's last name. The time intervals for reregistration do not materially change. The bill provides that (i) a person required to register, other than those persons convicted of a sexually violent offense or murder, shall reregister once each year during such person's birth month; current law is once each year from the date of initial registration; (ii) a person convicted of a sexually violent offense or murder shall reregister every three months, beginning in such person's birth month; current law is every 90 days from the date of initial registration; (iii) a person convicted of providing false information or failing to provide registration information, but not convicted of a sexually violent offense or murder, shall reregister every six months beginning with such person's birth month; current law is every 180 days from the date of such conviction; and (iv) a person convicted of providing false information or failing to provide registration information, when such person was included in the Registry for a sexually violent offense or murder, shall reregister every month; current law is every 30 days from the date of such conviction. The bill requires persons with a last name beginning with A through L to register from the first to the fifteenth of each required reporting month and persons with last names M through Z to register from the sixteenth to the last day of the month of each required reporting month. The bill also requires that for the period of July 1, 2020, to July 1, 2021, any person required to reregister shall continue to reregister with the State Police on such person's reregistration schedule in place prior to July 1, 2020, until such person has reregistered pursuant to the new reregistration schedule, at which time such person shall continue reregistering with the new schedule. The bill has a delayed effective date of July 1, 2020. This bill is identical to SB 1418.

*Patron - Watts*

**HB2093 Virginia Fire Services Board; membership.** Changes the membership of the Virginia Fire Services Board by removing a member of the Virginia Society of Fire Service Instructors and the State Fire Marshal and adding a certified Virginia fire service instructor and a local fire marshal.

*Patron - Guzman*

**HB2142 School protection officers; minimum training standards; exemption.** Defines a school protection

officer as a retired law-enforcement officer hired on a part-time basis by the local law-enforcement agency to provide limited law-enforcement and security services to Virginia public elementary and secondary schools. The bill also provides that the Department of Criminal Justice Services shall establish compulsory minimum training standards for all persons employed as school protection officers and that such training may be provided by the employing law-enforcement agency and shall be graduated and based on the type of duties to be performed. This bill was vetoed by the Governor.

*Patron - Thomas*

**HB2166 Department of Criminal Justice Services; definition of law-enforcement officer; security division of the Virginia Lottery.** Removes from the definition of law-enforcement officer, as it applies to an investigator who is a sworn member of the security division of the Virginia Lottery, the requirement that such investigator be a full-time member of the division.

*Patron - Rush*

**HB2263 Firefighters and Emergency Medical Technicians Procedural Guarantee Act; breach of procedures.** Provides that any evidence gathered through the conduct of an interrogation that violates the provisions of the Firefighters and Emergency Medical Technicians Procedural Guarantee Act shall not be admissible in any case against a firefighter or emergency medical services personnel. This bill received Governor's recommendations.

*Patron - Krizek*

**HB2279 Department of Forensic Science; purchase of forensic laboratory services.** Permits the Department of Forensic Science (the Department) to purchase forensic laboratory services from laboratories located in the Commonwealth that are operated by an institution of higher education located in the Commonwealth or a corporate entity that is wholly owned by an institution of higher education located in the Commonwealth, where such institution meets certain requirements. The bill provides that no contract or agreement may be made with any other laboratory unless the Department requests, and the Department of General Services grants, an exemption in a case where such laboratory does not meet the reasonable requirements of the Department, cannot provide the forensic laboratory services required by the Department, or the Department can purchase forensic laboratory services from another source at a price that is at least 10 percent less or from a laboratory that has received a ranking that is at least 10 percent higher than the ranking of any laboratory of such institution of higher education. The bill also provides that any laboratory that has entered into a contract with the Department for the provision of forensic laboratory services shall be deemed authorized by the Department to conduct certain analyses and examinations of certain trial evidence. This bill is identical to SB 1274.

*Patron - Morefield*

**HB2303 Sex offenders in emergency shelters; notification of registration.** Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. The bill provides that any person who fails to notify the shelter's staff of his status as a registered sex offender is guilty of a Class 3 misdemeanor. This bill provides that no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law, but emergency shelter staff may deny

entry of a person on such registry who has been convicted of a sexually violent offense for a period of time necessary to ensure the safety of other individuals admitted to the emergency shelter. This bill is identical to SB 1047. This bill received Governor's recommendations.

*Patron - Leftwich*

**HB2438 Juvenile correctional officers; training standards.** Transfers the power and duty to establish compulsory minimum entry-level, in-service, and advanced training standards for juvenile correctional officers, as well as the time required for completion of such training, from the Department of Criminal Justice Services to the Department of Juvenile Justice.

*Patron - Mullin*

**HB2576 Sex Trafficking Response Coordinator; duties; report.** Creates, within the Department of Criminal Justice Services, a Sex Trafficking Response Coordinator (the Coordinator) who shall (i) create a statewide plan for local and state agencies to identify and respond to victims of sex trafficking; (ii) coordinate the development of standards and guidelines for treatment programs for victims of sex trafficking; (iii) maintain a list of programs that provide treatment or specialized services to victims of sex trafficking and make such list available to law-enforcement agencies, attorneys for the Commonwealth, crime victim and witness assistance programs, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions; (iv) oversee the development of a curriculum to be completed by persons convicted of solicitation of prostitution; and (v) promote strategies for the awareness of sex trafficking, for education and training related to sex trafficking, and for the reduction of demand for commercial sex. The bill requires the Coordinator to report annually to the Governor and the General Assembly and include a summary of activities for the year and any recommendations to address sex trafficking within the Commonwealth. The bill as introduced was a recommendation of the Virginia State Crime Commission. This bill is identical to SB 1669.

*Patron - Krizek*

**HB2609 Department of Criminal Justice Services; school resource officers; school administrators; training.** Requires the Department of Criminal Justice Services (Department) to establish and every full-time or part-time law-enforcement officer employed as a school resource officer after July 1, 2020, to comply with compulsory minimum training standards for law-enforcement officers serving as school resource officers. The bill requires the training provided by the Department pursuant to such standards to be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and to be available throughout the Commonwealth. The bill requires each school board to ensure that every public school it supervises employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety, unless such training is not available online. This bill is identical to SB 1130.

*Patron - Jones, J.C.*

**HB2651 Virginia Prevention of Sex Trafficking Fund; fees for offenses related to sex trafficking.** Establishes the Virginia Prevention of Sex Trafficking Fund to be administered by the Department of Criminal Justice Services for the purpose of promoting awareness of and preventive training and education relating to sex trafficking. The bill requires persons convicted of misdemeanor violations of prostitution, aiding prostitution, and using vehicles to promote prostitution to pay a

\$100 fee and persons convicted of certain felony violations of abduction with the intent to extort money or for immoral purpose, placing or leaving wife for prostitution, or felony violations of the laws pertaining to commercial sex trafficking or prostitution offenses, with the exception of violations of crimes against nature, to pay a \$500 fee. Such fees are to be paid into the Virginia Prevention of Sex Trafficking Fund. As introduced, this bill was a recommendation of the Virginia State Crime Commission.

*Patron - Yancey*

**HB2656 Law-Enforcement Officers Procedural Guarantee Act; definition of law-enforcement officer.** Amends the definition of “law-enforcement officer” under the Law-Enforcement Officers Procedural Guarantee Act (the Act) to include those persons who are nonprobationary officers of the police department, bureau, or force of any political subdivision or the campus police department of any public institution of higher education of the Commonwealth where such department, bureau, or force has three or more law-enforcement officers. Currently, such department, bureau, or force is required to have at least 10 law-enforcement officers for purposes of this definition.

*Patron - Collins*

**SB1047 Sex offenders in emergency shelters; notification of registration.** Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. The bill provides that any person who fails to notify the shelter's staff of his status as a registered sex offender is guilty of a Class 3 misdemeanor. This bill provides that no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law, but emergency shelter staff may deny entry of a person on such registry who has been convicted of a sexually violent offense for a period of time necessary to ensure the safety of other individuals admitted to the emergency shelter. This bill is identical to HB 2303. This bill received Governor's recommendations.

*Patron - Cosgrove*

**SB1274 Department of Forensic Science; purchase of forensic laboratory services.** Permits the Department of Forensic Science (the Department) to purchase forensic laboratory services from laboratories located in the Commonwealth that are operated by an institution of higher education located in the Commonwealth or a corporate entity that is wholly owned by an institution of higher education located in the Commonwealth, where such institution meets certain requirements. The bill provides that no contract or agreement may be made with any other laboratory unless the Department requests, and the Department of General Services grants, an exemption in a case where such laboratory does not meet the reasonable requirements of the Department, cannot provide the forensic laboratory services required by the Department, or the Department can purchase forensic laboratory services from another source at a price that is at least 10 percent less or from a laboratory that has received a ranking that is at least 10 percent higher than the ranking of any laboratory of such institution of higher education. The bill also provides that any laboratory that has entered into a contract with the Department for the provision of forensic laboratory services shall be deemed authorized by the Department to conduct certain analyses and examinations of certain trial evidence. This bill is identical to HB 2279.

*Patron - Chafin*

**SB1401 Department of Forensic Science; possession of unlawful items by employees; immunity.** Provides that a Department of Forensic Science employee may lawfully possess or transfer contraband items or materials while engaged in the performance of his official duties.

*Patron - Petersen*

**SB1418 Sex Offender and Crimes Against Minors Registry; reregistration schedule.** Changes the dates for required reregistration of persons on the Sex Offender and Crimes Against Minors Registry (the Registry) from a repeating specified number of days after initial registration to time periods corresponding to such person's birth month and the first letter of such person's last name. The time intervals for reregistration for each of the following four categories of reregistration do not materially change. The bill provides that (i) a person required to register, other than those persons convicted of a sexually violent offense or murder, shall reregister once each year during such person's birth month; current law is once each year from the date of initial registration; (ii) a person convicted of a sexually violent offense or murder shall reregister every three months, beginning in such person's birth month; current law is every 90 days from the date of initial registration; (iii) a person convicted of providing false information or failing to provide registration information, but not convicted of a sexually violent offense or murder, shall reregister every six months beginning with such person's birth month; current law is every 180 days from the date of such conviction; and (iv) a person convicted of providing false information or failing to provide registration information, when such person was included in the Registry for a sexually violent offense or murder, shall reregister every month; current law is every 30 days from the date of such conviction. The bill requires persons with a last name beginning with A through L to register from the first to the fifteenth of each required reporting month and persons with last names M through Z to register from the sixteenth to the last day of the month of each required reporting month. The bill also requires that for the period of July 1, 2020, to July 1, 2021, any person required to reregister shall continue to reregister with the State Police on such person's reregistration schedule in place prior to July 1, 2020, until such person has reregistered pursuant to the new reregistration schedule, at which time such person shall continue reregistering with the new schedule. The bill has a delayed effective date of July 1, 2020. This bill is identical to HB 2089.

*Patron - Mason*

**SB1494 Firefighters and Emergency Medical Technicians Procedural Guarantee Act; breach of procedures.** Prohibits evidence gathered through the conduct of an interrogation that violates the provisions of the Firefighters and Emergency Medical Technicians Procedural Guarantee Act from being admissible in any case against a firefighter or emergency medical services personnel. This bill received Governor's recommendations.

*Patron - Edwards*

**SB1591 Virginia Center for School and Campus Safety; guidelines on information sharing.** Directs the Virginia Center for School and Campus Safety (the Center) to convene a work group to develop guidelines and best practices for the sharing of information between a local school board or public institution of higher education and law enforcement regarding a student whose behavior may pose a threat to the safety of a school or institution or the community. Such guidelines and best practices shall seek to balance the interests of safety and student privacy and shall be consistent with the provisions of the federal Family Educational Rights and Privacy Act and Health Insurance Portability and Accountability Act,

as applicable. The bill requires the Center to develop such guidelines and best practices, report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, and make such guidelines available to local school boards, public institutions of higher education, law enforcement, and the public by October 1, 2019.

*Patron - Dunnivant*

**PSB1669 Sex Trafficking Response Coordinator; duties; report.** Creates, within the Department of Criminal Justice Services, a Sex Trafficking Response Coordinator (the Coordinator) who shall (i) create a statewide plan for local and state agencies to identify and respond to victims of sex trafficking; (ii) coordinate the development of standards and guidelines for treatment programs for victims of sex trafficking; (iii) maintain a list of programs that provide treatment or specialized services to victims of sex trafficking and make such list available to law-enforcement agencies, attorneys for the Commonwealth, crime victim and witness assistance programs, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions; (iv) oversee the development of a curriculum to be completed by persons convicted of solicitation of prostitution; and (v) promote strategies for the awareness of sex trafficking, for education and training related to sex trafficking, and for the reduction of demand for commercial sex. The bill requires the Coordinator to report annually to the Governor and the General Assembly and include a summary of activities for the year and any recommendations to address sex trafficking within the Commonwealth. The bill as introduced was a recommendation of the Virginia State Crime Commission. This bill is identical to HB 2576.

*Patron - Vogel*

## Failed

**FHB1690 Line of Duty Act; Metropolitan Washington Airports Authority police officers.** Expands the list of disabled persons and the beneficiaries of disabled or deceased persons eligible to receive benefits under the Line of Duty Act to include Metropolitan Washington Airports Authority police officers whose disability or death occurs as a direct or proximate result of the performance of their duty.

*Patron - Simon*

**FHB2088 Offenses requiring registration under the Sex Offender and Crimes Against Minors Registry Act; unlawful dissemination or sale of images of another.** Adds a third or subsequent conviction of unlawful dissemination or sale of images of another to the list of offenses requiring registration under the Sex Offender and Crimes Against Minors Registry.

*Patron - Watts*

**FHB2134 Private security services businesses; qualifications; felony convictions.** Limits to Class 5 or Class 6 felonies the felony convictions for which the Director of the Department of Criminal Justice Services, upon written request, may waive the prohibition against a person with a felony conviction being (i) employed as a registered or certified employee by a private security services business or training school or (ii) issued a private security services registration; a certification as an unarmed security officer, electronic security employee, or technician's assistant; a private security services training school or instructor certification; a compliance agent certification; or a private security services business license. The bill conditions waiver of the prohibition for a person convicted of a Class 5 or Class 6 felony upon such person's having been pardoned for such felony or having successfully fulfilled all con-

ditions of sentencing for such felony and having had his civil rights restored, including his firearm rights. Under current law, the Director may waive such prohibition for a person convicted of any felony; the bill retains the Director's authority to waive such prohibition for a person convicted of certain misdemeanors.

*Patron - Jones, J.C.*

**FHB2255 Sex Offender and Crimes Against Minors Registry; registration procedures for change of email address.** Provides that any person required to register with the Sex Offender and Crimes Against Minors Registry shall reregister in person with the local law-enforcement agency where his residence is located within three days following any change to the electronic mail address information or any instant message, chat, or other Internet communication name or identity information that the person uses or intends to use, whether within or without the Commonwealth. Under current law, such person is required to reregister within 30 minutes of any change to the electronic mail address information or any instant message, chat, or other Internet communication name or identity information that the person uses or intends to use and has the option of reregistering in person or electronically, if electronic registration is available.

*Patron - Pogge*

**FHB2424 Local law-enforcement agencies; body-worn camera systems.** Requires localities to adopt and establish a written policy for the operation of a body-worn camera system, as defined in the bill, that conforms to the model policy established by the Department of Criminal Justice Services (the Department) prior to purchasing or deploying a body-worn camera system. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and the storage and maintenance of body-worn camera system records.

*Patron - Levine*

**FHB2666 Department of Criminal Justice Services; training standards and model policies for law enforcement; persons experiencing behavioral health or substance abuse crises.** Requires the Department of Criminal Justice Services to establish training standards and publish and periodically update model policies for law-enforcement personnel for sensitivity to and awareness of persons experiencing behavioral health or substance abuse crises.

*Patron - Bell, Robert B.*

**FHB2734 Department of Criminal Justice Services; school resource officers; school administrators; training.** Directs the Department of Criminal Justice Services (Department) to establish compulsory minimum training standards for law-enforcement officers serving as school resource officers that shall include (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, behavioral health or substance abuse disorders, or trauma experiences; and (viii) student behavioral dynamics, including child and adolescent development. The bill also directs the Department, in consultation with the Department of Education and the Virginia State Crime Commission, to include such similar minimum training standards for school security officers. The bill requires each school board to ensure that every public school employs at least one school administrator who has attended school safety training conducted by the Virginia Center for School and Campus Safety in school safety, anti-bullying tactics, and effective

identification of students who may be at risk for violent behavior and are in need of special services or assistance.

*Patron - Bourne*

**HB2777 Department of Criminal Justice Services; powers and duties; establishment of guidelines for the surrender of firearms.** Provides that the Department of Criminal Justice Services shall have the power and duty to develop guidance documents and instructions on the surrender or transfer of firearms by a person who is subject to a family abuse protective order and thus prohibited from knowingly possessing a firearm while the order is in effect.

*Patron - Herring*

**SB1149 Department of Criminal Justice Services; training standards; recognition of and response to post-traumatic stress.** Requires the Department of Criminal Justice Services to establish training standards and publish and periodically update model policies for law-enforcement personnel on the effective recognition of and response to stress, trauma, and post-traumatic stress experienced by law-enforcement officers.

*Patron - DeSteph*

**SB1207 School protection officers; minimum training standards; exemption.** Defines a school protection officer as a retired law-enforcement officer hired on a part-time basis by the local law-enforcement agency to provide limited law-enforcement and security services to Virginia public elementary and secondary schools. The bill also provides that the Department of Criminal Justice Services shall establish compulsory minimum training standards for all persons employed as school protection officers and that such training may be provided by the employing law-enforcement agency and shall be graduated and based on the type of duties to be performed.

*Patron - Stuart*

**SB1385 Sex Offender and Crimes Against Minors Registry; registration procedures for change of email address.** Provides that any person required to register with the Sex Offender and Crimes Against Minors Registry shall reregister in person with the local law-enforcement agency where his residence is located within three days following any change to the electronic mail address information or any instant message, chat, or other Internet communication name or identity information that the person uses or intends to use, whether within or without the Commonwealth. Under current law, such person is required to reregister within 30 minutes of any change to the electronic mail address information or any instant message, chat, or other Internet communication name or identity information that the person uses or intends to use and has the option of reregistering in person or electronically, if electronic registration is available.

*Patron - McDougle*

**SB1489 Department of Criminal Justice Services; training standards and model policies for law enforcement; persons experiencing behavioral health or substance abuse crises.** Requires the Department of Criminal Justice Services to establish training standards and publish and periodically update model policies for law-enforcement personnel for sensitivity to and awareness of persons experiencing behavioral health or substance abuse crises, including chronic homeless inebriates.

*Patron - Deeds*

**SB1517 Department of Criminal Justice Services; minimum standards for law-enforcement officers; Advanced Law Enforcement Rapid Response Training.** Requires the Department to establish compulsory training stan-

dards for certification and recertification of law-enforcement officers in Advanced Law Enforcement Rapid Response Training and to coordinate the delivery of such training.

*Patron - Carrico*

**SB1530 Department of Criminal Justice Services; school resource officers; school administrators; training.** Directs the Department of Criminal Justice Services (Department) to establish compulsory minimum training standards for law-enforcement officers serving as school resource officers that may include (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, behavioral health or substance abuse disorders, or trauma experiences; and (viii) student behavioral dynamics, including child and adolescent development. The bill also directs the Department, in consultation with the Department of Education and the Virginia State Crime Commission, to include such similar minimum training standards for school security officers. The bill requires each school board to ensure that every public school employs at least one school administrator who has attended school safety training conducted by the Virginia Center for School and Campus Safety in school safety, anti-bullying tactics, and effective identification of students who may be at risk for violent behavior and are in need of special services or assistance.

*Patron - Deeds*

**SB1551 School resource officers; memorandums of understanding.** Requires the school board in each school division in which the local law-enforcement agency employs school resource officers to enter into a memorandum of understanding with such local law-enforcement agency that sets forth the respective roles and responsibilities of the school board and the law-enforcement agency and the roles and responsibilities of such school resource officers. The bill requires that the memorandum of understanding be consistent with the model memorandum of understanding developed by the Virginia Center for School and Campus Safety. The bill requires that the model memorandum contain provisions that prohibit school resource officers from (i) conducting a search of a student's person or property while on school property unless such resource officer has probable cause to conduct such a search and either has a judicial warrant authorizing the search or has identified exigent circumstances necessitating a warrantless search; (ii) participating in any request for assistance from a federal agency without a subpoena or warrant; (iii) inquiring as to whether a student was born in a country other than the United States or is a citizen of a country other than the United States, unless such inquiry is in connection with an kidnapping or extortion investigation; and (iv) absent exigent circumstances, questioning any student without prior notification to the parent or guardian of such student's right to refuse to be questioned or searched. The bill also provides that the model memorandum of understanding shall contain provisions regarding the use of translators or appropriate guardians to assist students in responding to questions from a school resource officer. The bill requires each such school board and local law-enforcement agency to review the memorandum of understanding every four years or at any time upon request of either party and provides that the memorandum of understanding may be revised as agreed to by the parties. The bill provides that such memorandum shall be made available for public review and comment at least 30 days prior to its adoption. The bill also redefines school resource officer to specifically prohibit a school resource officer from investigating or

enforcing violations of school board policies, including student conduct codes.

*Patron - Surovell*

**SB1563 School boards; local law-enforcement agencies; memorandums of understanding.** Requires the school board in each school division in which the local law-enforcement agency employs school resource officers to enter into a memorandum of understanding with such local law-enforcement agency that sets forth the respective roles and responsibilities of the school board and the law-enforcement agency and the roles and responsibilities of such school resource officers. The bill requires each such school board and local law-enforcement agency to (i) review the memorandum of understanding every two years or at any time upon the request of either party and may revise such memorandum at any time as agreed by the parties and (ii) ensure that all relevant personnel employed by either party are informed of and review the provisions of the memorandum of understanding, including any revisions to the memorandum of understanding. The bill also requires the Virginia Center for School and Campus Safety to develop a model memorandum of understanding that may be used by local school boards and local law-enforcement agencies to satisfy the new requirements put forth in the bill.

*Patron - Lewis*

**SB1645 Use of force; data collection and reporting requirement.** Requires the the Secretary of Public Safety and Homeland Security to convene a work group that shall include representatives from the Departments of Corrections and State Police and the Board of Corrections, as well as representatives from local police departments, sheriffs' offices, local correctional facilities, and other interested stakeholder groups, to develop a strategy for producing and publishing a comprehensive report on the use of force by Virginia law-enforcement officers, correctional officers, and jail officers. The bill requires the work group to report its progress and the outcomes of its activities to the Governor and the General Assembly by December 1, 2019. The provisions of the bill are contingent upon funding in a general appropriation act.

*Patron - Boysko*

**SB1649 Carnal knowledge; bail bondsmen; penalty.** Increases from a Class 1 misdemeanor to a Class 6 felony the penalty for carnal knowledge of a pretrial defendant or posttrial offender by an owner or employee of the bail bond company that posted the pretrial defendant's or posttrial offender's bond and has the authority to revoke such bond. This bill is a recommendation of the Virginia State Crime Commission.

*Patron - Chafin*

**SB1708 Law-Enforcement Officers Procedural Guarantee Act; hearing panel decisions; finality and enforcement.** Makes final and binding the decision of the hearing panel conducting a hearing to review an action that dismisses, demotes, suspends, or transfers a law-enforcement officer for punitive reasons, if such decisions are consistent with law and written policy. Under current law, the hearing panel only provides advisory recommendations. The bill allows either party to the hearing to petition the circuit court of the locality in which the grievant is employed for an order requiring the implementation of the final decision of the hearing panel.

*Patron - Edwards*

## Conservation

### Passed

**HB1715 Dams; wetland vegetation.** Exempts wetland vegetation growing on certain regulated impounding structures from the requirement that all vegetation be removed from such dams. The bill exempts vegetation associated with a wetland mitigation bank or in-lieu fee site that has regulatory approval and is the subject of a recorded, permanent instrument protecting the vegetation from removal. The bill allows the Department of Conservation and Recreation to require the dam owner to remove trees by flush cutting unless the Department determines on the basis of site-specific information that the grubbing of roots is necessary to protect the integrity of the dam.

*Patron - Bulova*

**HB1783 Department of Forestry; conveyance of easement; Buckingham County.** Authorizes the conveyance of a right-of-way easement from the Department of Forestry to Robert H. Whistleman and Karen L. Whistleman. The easement, which will follow an existing road across a portion of the Appomattox-Buckingham State Forest, will allow ingress and egress and access for utilities from State Route 24 to the Whistlemans' property.

*Patron - Fariss*

**HB1822 Virginia Water Quality Improvement Fund; grant for wastewater conveyance facility; estimates of future funding requests; Stormwater Local Assistance Fund.** Authorizes the Director of the Department of Environmental Quality (the Department) to authorize grants from the Virginia Water Quality Improvement Fund (the Fund) for the installation of certain wastewater conveyance infrastructure. Any such infrastructure shall (i) divert wastewater from one publicly owned treatment works that is eligible for grant funding to another such eligible treatment works; (ii) divert wastewater to a receiving treatment works that is capable of achieving compliance with its nutrient reduction or ammonia control discharge requirements and that results in a net reduction in total phosphorus, total nitrogen, or nitrogen-containing ammonia discharges; and (iii) result in no more expense to the Fund than would otherwise be incurred to install eligible nutrient removal technology or other treatment technology at the treatment works from which the wastewater will be diverted.

The bill also directs the Department to consult with stakeholders annually to estimate the amount of grant funding that local governments will request during the upcoming year from (a) the Fund and (b) the Stormwater Local Assistance Fund and to submit those estimates to the Governor as part of a biennial funding report and an annual progress report that are required by current law. The bill contains technical amendments.

*Patron - Bulova*

**HB1973 Historical African American cemeteries; Pulaski County.** Adds two cemeteries in Pulaski County to the list of cemeteries for which qualified organizations may receive funds from the Department of Historic Resources for the care of historical African American cemeteries and graves. The cemeteries are the New River Cemetery, which contains 33 eligible graves, and the West Dublin Cemetery, which contains 44 eligible graves.

*Patron - Hurst*

**HB2009 Virginia Land Conservation Foundation; project proposals.** Directs the Virginia Land Conservation

Foundation to conduct a grant round each year to identify and rank projects for the subsequent fiscal year. The bill requires the Foundation to assume an amount of funding of the grant program as provided in the general appropriation act. The bill requires the Foundation to provide rankings to the House Committee on Appropriations and the Senate Committee on Finance by December 15 of each year.

*Patron - Krizek*

**HB2016 Department of Forestry; conveyance of easement; New Kent County.** Authorizes the conveyance of a right-of-way easement from the Department of Forestry to John D. Tolley and Laurie L. Tolley. The easement, which will follow an existing road across a portion of the New Kent Forestry Center, will allow ingress and egress from State Route 60 to the Tolleys' property.

*Patron - Peace*

**HB2238 Previously unidentified cemeteries.** Adds the category of previously unidentified cemetery to the laws allowing for the removal of remains from graveyards or family cemeteries that have been abandoned or are unused and neglected by their owners. The bill includes technical amendments.

*Patron - McQuinn*

**HB2311 Historical African American cemeteries; City of Suffolk.** Adds Oak Lawn Cemetery in Suffolk, with 468 eligible graves, to the list of cemeteries for which qualified organizations may receive funds from the Department of Historic Resources for the care of historical African American cemeteries and graves.

*Patron - Hayes*

**HB2341 Forester title.** Authorizes a person who has met the educational criteria for Certified Forester, as reviewed and officially recognized in writing by the Society of American Foresters (the Society), to use the title of "forester" in connection with any practice of forestry. Current law limits such use of the title to a person who holds a baccalaureate or higher degree from an institution of higher education, having completed a degree program that is accredited by the Society and meets the Society's minimum education criteria in certain fields of study. The bill provides that no person shall be appointed by the Governor to serve as State Forester unless he meets certain requirements as set out in the bill. The bill contains technical amendments.

*Patron - Edmunds*

**HB2406 Historical African American cemeteries; City of Martinsville.** Adds three cemeteries in Martinsville to the list of cemeteries for which qualified organizations may receive funds from the Department of Historic Resources for the care of historical African American cemeteries and graves. The cemeteries are the Matthews Cemetery, which contains eight eligible graves; the People's Cemetery, which contains 178 eligible graves; and the Smith Street Cemetery, which contains nine eligible graves.

*Patron - Adams, L.R.*

**HB2611 Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth.** Prohibits the Governor or any state agency from adopting any regulation establishing a carbon dioxide cap-and-trade program or bringing about the participation by the Commonwealth in a regional market for the trading of carbon dioxide allowances. The bill provides that the Commonwealth shall be allowed to participate in such a cap-and-trade program if the House of Delegates and the Senate of Virginia each adopt a resolution by a two-thirds vote that specifically references and approves the regula-

tory text proposed for adoption by a state agency. This bill was vetoed by the Governor.

*Patron - Poindexter*

**HB2681 Historical African American cemeteries; City of Hampton.** Adds seven cemeteries in Hampton to the list of cemeteries for which qualified organizations may receive funds from the Department of Historic Resources for the care of historical African American cemeteries and graves. The cemeteries are Bassette's Cemetery, containing 212 eligible graves, Elmerton Cemetery, containing 339 eligible graves, Good Samaritan Cemetery, containing 37 eligible graves, Pleasant Shade Cemetery, containing 29 eligible graves, Queen Street Cemetery, containing 14 eligible graves, the Tucker Family Cemetery, containing 15 eligible graves, and Union Street Cemetery, containing 125 eligible graves. This bill is identical to SB 1128.

*Patron - McQuinn*

**HB2739 Historical African American cemeteries; City of Alexandria.** Adds six cemeteries in Alexandria to the list of cemeteries for which qualified organizations may receive funds from the Department of Historic Resources for the care of historical African American cemeteries and graves. The cemeteries are the Baptist Cemetery at the African American Heritage Park, which contains 28 eligible graves; the Contrabands and Freedmen Cemetery, which contains 631 eligible graves; the Douglass Cemetery, which contains 83 eligible graves; the Lebanon Union Cemetery, which contains 53 eligible graves; the Methodist Protestant Cemetery, which contains 1,134 eligible graves; and the Penny Hill Cemetery, which contains 14 eligible graves.

*Patron - Herring*

**HB2786 Coal combustion residuals impoundment; closure.** Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, within the Chesapeake Bay watershed at Brems Power Station, Chesapeake Energy Center, Chesterfield Power Station, and Possum Point Power Station to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. The measure requires that any owner or operator beneficially reuse no less than 6.8 million cubic yards in aggregate of such removed CCR from no fewer than two of the sites. Such a closure project shall be completed within 15 years of its initiation and shall be accompanied by an offer by the owner or operator to provide connection to a municipal water supply for every residence within one-half mile, or if such connection is not feasible, the owner or operator shall offer to provide water testing for any such residence.

The bill provides that if the owner or operator moves CCR off-site, it shall develop a transportation plan in consultation with any county, city, or town in which the CCR units are located and any county, city, or town within two miles of the CCR units, for any truck transportation that minimizes the effects on adjacent property owners and surrounding communities. The bill requires the owner or operator of a CCR unit to accept and review on an ongoing basis sufficiently detailed proposals to beneficially reuse any CCR that are not already subject to a removal contract. The bill requires that any entity conducting the closure work (i) identify options for utilizing local workers, (ii) consult with the Commonwealth's Chief Workforce Development Officer on opportunities to advance the Commonwealth's workforce goals, and (iii) give priority to the hiring of local workers.

The bill requires the CCR unit owner or operator to submit two biennial reports beginning October 1, 2022, and continuing until closure of all of its CCR units is complete. One report describes closure plans, progress, a detailed accounting of the amounts of CCR that have been beneficially reused and the amount of CCR that have been landfilled, the utilization of transportation options, water monitoring results, and other aspects of the closure process; the other report contains the beneficial reuse proposals that the owner or operator has received and its analysis of such proposals.

The measure provides that all costs associated with closure of a CCR unit shall be recoverable through a rate adjustment clause authorized by the State Corporation Commission (the Commission) provided that (i) when determining the reasonableness of such costs the Commission shall not consider closure in place of the CCR unit as an option and (ii) the annual revenue requirement recoverable through a rate adjustment clause shall not exceed \$225 million on a Virginia jurisdictional basis for the Commonwealth in any 12-month period, provided that any under-recovery amount of revenue requirements incurred in excess of \$225 million in a given 12-month period shall be deferred and recovered through the rate adjustment clause over up to three succeeding 12-month periods. The bill provides that costs may begin accruing on July 1, 2019, but no approved rate adjustment clause charges shall be included in customer bills until July 1, 2021; any such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer; and any such costs that are allocated to the utility's system customers outside of the Commonwealth that are not actually recovered from such customers shall be included for cost recovery from jurisdictional customers in the Commonwealth through the rate adjustment clause. The measure prohibits cost recovery for any fines or civil penalties resulting from violations of federal or state law. This bill is identical to SB 1355.

*Patron - Ingram*

**SB1128 Historical African American cemeteries; City of Hampton.** Adds seven cemeteries in Hampton to the list of cemeteries for which qualified organizations may receive funds from the Department of Historic Resources for the care of historical African American cemeteries and graves. The cemeteries are Bassette's Cemetery, containing 212 eligible graves, Elmerton Cemetery, containing 339 eligible graves, Good Samaritan Cemetery, containing 37 eligible graves, Pleasant Shade Cemetery, containing 29 eligible graves, Queen Street Cemetery, containing 14 eligible graves, the Tucker Family Cemetery, containing 15 eligible graves, and Union Street Cemetery, containing 125 eligible graves. This bill is identical to HB 2681.

*Patron - Locke*

**SB1355 Coal combustion residuals impoundment; closure.** Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, within the Chesapeake Bay watershed at Brems Power Station, Chesapeake Energy Center, Chesterfield Power Station, and Possum Point Power Station to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. The measure requires that any owner or operator beneficially reuse no less than 6.8 million cubic yards in aggregate of such removed CCR from no fewer than two of the sites. Such a closure project shall be completed within 15 years of its initiation and shall be accompanied by an offer by the owner or operator to provide connection to a municipal water supply for every residence within one-half mile, or if such connection is

not feasible, the owner or operator shall offer to provide water testing for any such residence.

The bill provides that if the owner or operator moves CCR off-site, it shall develop a transportation plan in consultation with any county, city, or town in which the CCR units are located and any county, city, or town within two miles of the CCR units, for any truck transportation that minimizes the effects on adjacent property owners and surrounding communities. The bill requires the owner or operator of a CCR unit to accept and review on an ongoing basis sufficiently detailed proposals to beneficially reuse any CCR that are not already subject to a removal contract. The bill requires that any entity conducting the closure work (i) identify options for utilizing local workers, (ii) consult with the Commonwealth's Chief Workforce Development Officer on opportunities to advance the Commonwealth's workforce goals, and (iii) give priority to the hiring of local workers.

The bill requires the CCR unit owner or operator to submit two biennial reports beginning October 1, 2022, and continuing until closure of all of its CCR units is complete. One report describes closure plans, progress, a detailed accounting of the amounts of CCR that have been beneficially reused and the amount of CCR that have been landfilled, the utilization of transportation options, water monitoring results, and other aspects of the closure process; the other report contains the beneficial reuse proposals that the owner or operator has received and its analysis of such proposals.

The measure provides that all costs associated with closure of a CCR unit shall be recoverable through a rate adjustment clause authorized by the State Corporation Commission (the Commission) provided that (i) when determining the reasonableness of such costs the Commission shall not consider closure in place of the CCR unit as an option and (ii) the annual revenue requirement recoverable through a rate adjustment clause shall not exceed \$225 million on a Virginia jurisdictional basis for the Commonwealth in any 12-month period, provided that any under-recovery amount of revenue requirements incurred in excess of \$225 million in a given 12-month period shall be deferred and recovered through the rate adjustment clause over up to three succeeding 12-month periods. The bill provides that costs may begin accruing on July 1, 2019, but no approved rate adjustment clause charges shall be included in customer bills until July 1, 2021; any such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer; and any such costs that are allocated to the utility's system customers outside of the Commonwealth that are not actually recovered from such customers shall be included for cost recovery from jurisdictional customers in the Commonwealth through the rate adjustment clause. The measure prohibits cost recovery for any fines or civil penalties resulting from violations of federal or state law. This bill incorporates SB 1009 and is identical to HB 2786.

*Patron - Wagner*

**SB1469 Timber sales; theft; accounting; penalty.** Provides that a person who buys and removes timber from a landowner's property is guilty of timber theft if he fails to pay the landowner by the date specified in their agreement or, if there is no written agreement, within 60 days of removing the timber. The bill provides that a person who is convicted of timber theft is guilty of a Class 1 misdemeanor and shall be ordered to pay three times the value of the timber removed in addition to any penalties imposed by the court. The bill provides that, following the passing of the payment deadline, a buyer's failure to pay within 10 days of receiving a demand for payment shall constitute prima facie evidence of the buyer's

intent to violate the timber theft provision. An exception exists for a purchaser who made payment to a person he believed in good faith to be the rightful owner of the timber.

The bill requires a timber buyer, in certain cases, to furnish at the request of the landowner an accounting of each load removed from the property, with all supporting documentation. A person who fails to provide such information, or who provides false information, is guilty of a Class 3 misdemeanor.

The bill extends from 30 days to 90 days the period during which the owner of land on which a person encroached and cut timber has the right to notify such trespasser and to appoint a timber estimator to determine the amount of damages and directs the State Forester to assist landowners and law-enforcement agencies with regard to reported cases of timber theft.

Finally, the bill excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act those records of the Department of Forestry that are composed of confidential commercial or financial information supplied to the Department in the course of a timber theft investigation. This bill is identical to HB 2411.

*Patron - Chafin*

## Failed

**HB1880 State environmental boards; appointment of members.** Changes the composition of the Air Pollution Control Board, the Waste Management Board, and the State Water Control Board from appointment exclusively by the Governor to the following: two members appointed by the Governor; two members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on Agriculture, Conservation and Natural Resources; and three members appointed by the Speaker of the House from a list recommended by the House Committee on Agriculture, Chesapeake and Natural Resources. The appointing authority shall appoint members for the unexpired term upon a vacancy other than by expiration of a term.

*Patron - Keam*

**HB2105 Coal combustion residuals; Chesapeake Bay watershed; closure.** Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, that is located in the Chesapeake Bay watershed to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. Any owner or operator that disposes of CCR in such a landfill is required to explain why recycling is not economically feasible. Such a closure project shall be completed within 15 years of its initiation and shall be accompanied by water testing or a connection to a municipal water supply for every residence within one-half mile.

The bill provides that if the owner or operator moves CCR off-site, it shall use rail transportation to the maximum extent practicable and shall develop and make publicly available a transportation plan for any truck transportation that minimizes the effects on adjacent property owners and surrounding communities. The bill requires the owner or operator of a CCR unit to accept and review on an ongoing basis sufficiently detailed proposals to beneficially reuse any CCR that are not already subject to a removal contract. The bill requires that any entity conducting the closure work, to the maximum extent practicable, utilize local labor and ensure that the work is performed by responsible contractors that pay workers fair wages and benefits.

The bill requires the CCR unit owner or operator to submit two annual reports beginning October 1, 2019, and continuing until closure of all of its CCR units is complete. One report describes closure plans, progress, water monitoring results, and other aspects of the closure process; the other report contains the beneficial reuse proposals that the owner or operator has received and its analysis of such proposals.

*Patron - Carroll Foy*

**HB2201 State Forester; confidentiality of certain records.** Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act certain records of the Department of Forestry (the Department). The records include trade secrets and financial information, reports of criminal violations made to the Department by persons outside the Department, and records of an active administrative investigation.

*Patron - Tyler*

**HB2391 Landfills; waste disposal fee; Greenhouse Gas Fund.** Requires any person owning or operating a permitted solid waste management facility to collect from each person disposing waste at such facility a fee of \$1 for every 500 pounds of waste, or fraction thereof in excess of 500 pounds, that is accepted. The bill allows the facility's owner or operator to retain 10 percent of the fees collected for administrative expenses and requires the facility's owner or operator to remit the remainder on a quarterly basis to the Department of Environmental Quality (the Department) for deposition in the Greenhouse Gas Fund (the Fund), created by the bill. The bill provides that the Director of the Department shall, after considering recommendations from the Solid Waste Management Board (the Board), expend moneys in the Fund on promoting the reduction in the emission of greenhouse gases in the Commonwealth, including methane and other gases that are emitted from landfills, and on supporting efforts to counter the effects of climate change. The bill provides that five percent of the Fund may be spent on administrative expenses and authorizes the Board to promulgate and enforce regulations necessary to carry out the provisions of the bill.

*Patron - Lopez*

**HB2395 Hazardous Waste Site Inventory.** Requires the Department of Environmental Quality (the Department) to compile by July 1, 2020, to update at least annually thereafter, and to post to its website a Hazardous Waste Site Inventory (the Inventory). The Inventory shall be a current listing of sites permitted by or in corrective action under the Department at which the disposal of hazardous waste not otherwise excluded from regulation has occurred, providing specific information about each site.

*Patron - Lopez*

**HB2735 Virginia Coastal Protection Act.** Recasts the Virginia Shoreline Resiliency Fund as the Virginia Coastal Protection Fund. Moneys generated by the sale of carbon dioxide emissions allowances through any auction program administered by the Commonwealth are directed to the Fund, which is to be used to implement hazard mitigation projects in areas that are subject to recurrent flooding. The measure directs the State Air Pollution Control Board to adopt regulations to limit and reduce the total carbon dioxide emissions released by electric generation facilities. The regulations are required to comply with the Regional Greenhouse Gas Initiative program. 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 distributed without further appropriation to the Fund, to the VirginiaSAVES program, for

certain programs in Southwest Virginia for the purpose of revitalizing communities affected by the decline of fossil fuel production, and for administrative expenses. The measure also (i) states that the 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 prescribed under the authority of this measure is in the public interest; (ii) directs that Dominion Power and Appalachian Electric Power shall achieve a minimum of 50 percent of the reduction in carbon dioxide emissions prescribed under the authority of this measure through the development of such generating facilities; and (iii) requires any retail customer that purchases electric energy from a supplier other than the customer's incumbent utility to pay a non-bypassable surcharge equal to the price established under the allowance auction to the incumbent utility for any purchase of electric energy that is not from a facility utilizing renewable energy or nuclear power. An enactment clause exempts from the Administrative Process Act actions taken by the Department of Environmental Quality to incorporate provisions of this measure into State Air Pollution Control Board regulations without further action of the Board. The enactment also provides that such incorporation will become effective upon their approval by the Director of the Department and the filing of the amended regulations with the Registrar of Regulations.

*Patron - Toscano*

**HB2755 Conservation easements; comprehensive plan.** Requires that the use of real property for open-space land shall conform to the official comprehensive plan for the area in which the property is located. Current law provides that no conservation easement shall be valid and enforceable unless the limitations it creates conform in all respects to the comprehensive plan at the time the easement is granted.

*Patron - Fariss*

**HB2761 Cave and karst protection; penalty.** Authorizes the Department of Conservation and Recreation to include karsts and related landscape features, defined in the bill, in various functions related to cave protection, including education of public agencies and private landowners, collection of data, and protection of groundwater flow from pollution. The bill makes pollution of any sinking stream, swallet, or other karst feature a Class 1 misdemeanor.

*Patron - Rasoul*

**SB1009 Coal combustion residuals surface impoundments; closure.** Directs the Department of Environmental Quality to require the closure of any coal combustion residuals (CCR) surface impoundment located in the Chesapeake Bay watershed. The bill requires that such closure include the removal of all CCRs for disposal in a permitted landfill that meets federal criteria and that the impoundment site be reclaimed in a manner consistent with federal mine reclamation standards. Finally, the bill allows an investor-owned public electric utility to recover the costs of closure from customers. This bill was incorporated into SB 1355.

*Patron - Chase*

**SB1208 Water impounding structures; portable pumping systems.** Directs the Soil and Water Conservation Board to promulgate regulations that allow for the use of a portable pumping system when retrofitting an existing impoundment structure with a draining device.

*Patron - Stuart*

**SB1212 Water improvement districts; assessment of service charge; referendum.** Removes provisions authorizing a water improvement district to levy a tax on own-

ers of land within the district. The bill removes the requirement that owners of land approving a referendum regarding assessment of a service charge also represent two-thirds of the land area in such district. The bill contains an emergency clause.

*Patron - Newman*

**SB1533 Coal combustion residuals; Chesapeake Bay watershed; closure.** Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, that is located in the Chesapeake Bay watershed to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. Any owner or operator that disposes of CCR in such a landfill is required to explain why recycling is not economically feasible. Such a closure project shall be completed within 15 years of its initiation and shall be accompanied by water testing or a connection to a municipal water supply for every residence within one-half mile.

The bill provides that if the owner or operator moves CCR off-site, it shall use rail transportation to the maximum extent practicable and shall develop and make publicly available a transportation plan for any truck transportation that minimizes the effects on adjacent property owners and surrounding communities. The bill requires the owner or operator of a CCR unit to accept and review on an ongoing basis sufficiently detailed proposals to beneficially reuse any CCR that are not already subject to a removal contract. The bill requires that any entity conducting the closure work, to the maximum extent practicable, utilize local labor and ensure that the work is performed by responsible contractors that pay workers fair wages and benefits.

The bill requires the CCR unit owner or operator to submit two annual reports beginning October 1, 2019, and continuing until closure of all of its CCR units is complete. One report describes closure plans, progress, water monitoring results, and other aspects of the closure process; the other report contains the beneficial reuse proposals that the owner or operator has received and its analysis of such proposals. This bill was incorporated into SB 1355.

*Patron - Surovell*

**SB1666 Virginia Coastal Protection Act.** Recasts the Virginia Shoreline Resiliency Fund as the Virginia Coastal Protection Fund. Moneys generated by the sale of carbon dioxide emissions allowances through any auction program administered by the Commonwealth are directed to the Fund. The measure directs the State Air Pollution Control Board to adopt regulations to limit and reduce the total carbon dioxide emissions released by electric generation facilities. The regulations are required to comply with the Regional Greenhouse Gas Initiative program. 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 distributed without further appropriation to assist localities in implementing hazard mitigation projects in areas that are subject to recurrent flooding, to support energy efficiency programs, to programs in Southwest Virginia for the purpose of revitalizing communities affected by the decline of fossil fuel production, and for administrative expenses. An enactment clause exempts from the Administrative Process Act actions taken by the Department of Environmental Quality to incorporate provisions of this measure into State Air Pollution Control Board regulations without further action of the Board. The enactment also provides that such incorporation will become

effective upon approval of the provisions of the measure by the Director of the Department and the filing of the amended regulations with the Registrar of Regulations.

*Patron - Lewis*

**SB1743 Coal ash management.** Prohibits the construction of any landfill or impoundment for the storage of coal combustion residuals located in the Chesapeake Bay watershed, defined in the bill as a CCR unit, beginning July 1, 2020, and requires the closure of all existing CCR units by 2023.

The bill requires the owner of a CCR unit to meet detailed requirements and timelines regarding (i) the submission of closure plans to the Department of Environmental Quality (the Department); (ii) the review and approval of such plans by the Department, and the further approval of such plans by the Virginia Waste Management Board (the Board); (iii) the monitoring, assessment, and restoration of groundwater, including the submission and approval by the Department of plans for assessment and corrective action, the implementation of a restoration plan, and the monitoring of wells; (iv) the identification, assessment, and correction of unpermitted discharges, including the submission and approval by the Department of plans for discharge assessment and corrective action; (v) and the submission of quarterly reports to the Department, reports to General Assembly members who have CCR units in their districts, and other reports. The bill authorizes the Board to establish a regulatory fee to pay the expenses of the Board and the Department in providing CCR oversight.

The bill directs each owner of CCR to identify, by 2020, two or more CCR units that contain CCR that is suitable for recycling as supplementary cementitious material in concrete. The bill directs the Department to require the owner of such CCR units to enter into contracts to supply at least 600,000 tons of coal ash per year from such CCR units to a CCR beneficiation plant, and to install and operate such a plant. The bill requires the operation of the plant to begin within two years of the issuance of the final permit required.

*Patron - Chase*

**SB1745 DEQ permits; technical assistance grants.** Creates the Permitting Technical Assistance Fund (the Fund) for the purpose of issuing grants to qualified groups to obtain technical assistance in (i) interpreting information with regard to permits, permit actions, or activities conducted at permit sites; (ii) identifying new or alternative permit provisions or conditions; or (iii) formulating, revising, or submitting written or oral comments during a public comment period. The bill authorizes the Director of the Department of Environmental Quality to issue grants from the Fund to qualified groups not exceeding \$15,000 for any group for any single permit action and directs the Department of Environmental Quality (the Department) to include with any fees for a permit issued by the Department, State Air Pollution Control Board, State Water Control Board, or Virginia Waste Management Board, a fee to cover the full cost of administering and issuing grants from the Fund. The bill directs the Department to develop regulations to carry out its provisions.

*Patron - Boysko*

**SB1761 Landfill permits; adjacent locality approval.** Requires that an application for a new solid waste management facility permit or for modification of a permit to allow an existing solid waste management facility to expand or increase its capacity include a certification from the governing body for each locality within a five-mile radius of the facility, other than the locality in which the facility is or will be located unless as otherwise required, granting approval of the facility.

*Patron - Sturtevant*

## Corporations

### Passed

**HB2272 Limited liability companies; Protected Series Act.** Provides for the creation by a limited liability company (LLC) of one or more protected series. The measure provides that each protected series may have different ownership, management structures, assets, and liabilities. Each protected series may function in a manner analogous to a separate legal entity within the LLC that established the protected series, which is referred to as the series LLC. The measure provides a process through which debts and obligations of one protected series are neither the debts nor obligations of any other protected series nor of the series LLC. Under the measure, a separate public filing is required to establish each protected series of a series LLC. The measure specifies rules for disregarding the internal liability shields that protect the assets of one protected series from the creditors of another. The measure provides that assets not properly associated with a protected series may be subject to the claims of creditors even if the internal shields among series remain intact. The measure is based on the Uniform Protected Series Act prepared by the National Conference of Commissioners on Uniform State Laws. The measure has a delayed effective date of July 1, 2020.

*Patron - Webert*

**HB2478 Virginia Stock Corporation Act.** Updates and modernizes the Virginia Stock Corporation Act (the Act) to conform to many provisions of the 2016 revision of the Model Business Corporation Act produced by the Corporate Laws Committee of the American Bar Association's Business Law Section. The Act is amended to, among other things, (i) provide corporations greater authorization to combine with or convert into noncorporate entities, whether domiciled in Virginia or in another jurisdiction; (ii) provide that a combination or conversion with a business entity that would expose a shareholder to personal liability for the entity's liabilities requires the prior consent of each affected shareholder; (iii) define "expenses" as including reasonable expenses of any kind, including attorney fees; (iv) specify that notices to a corporation be delivered to the corporation's secretary; (v) add an article that establishes processes a corporation may follow to correct a failure to properly authorize a corporate actor an over-issuance of shares; (vi) confirm that a corporation's designation of an exclusive forum for resolution of internal corporate claims trumps any other provision in the Act that permits the action to be brought in another forum; (vii) authorize the articles of incorporation to provide whether shareholders have the right to cumulate their votes in the election of directors; (viii) require that the plaintiff in a derivative suit be a shareholder at the time he made the requisite demand on the corporation to take suitable action, as well as at the time of the commencement of, and during, the proceeding; (ix) clarify that if a shareholder demand for a derivative suit is rejected and a derivative suit is commenced, the plaintiff's right of discovery is limited to facts that are alleged with particularity in the complaint; (x) permit the appropriate circuit court to remove a director who has defrauded the corporation, grossly abused his power, or intentionally inflicted harm to the corporation; (xi) provide officers with protection from liability to the extent that they relied in good faith on the advice or performance of others; (xii) spell out the relief that a court can grant in a proceeding by a director or officer for advance, reimbursement, or indemnity; (xiii) establish a process by which a corporation may abandon an amendment or restatement of its articles of incorporation after it has been adopted by shareholders but

prior to its effective date; (xiv) reduce the amount of detail that is required to be included in the articles of amendment regarding the shareholder vote to approve an amendment of the articles of incorporation; (xv) establish requirements for approval of a plan of domestication or conversion by the holders of outstanding shares of each class and series voting as separate voting groups; (xvi) permit a domestic corporation to convert to a type of eligible entity, including a nonstock corporation, partnership, or limited liability company, other than only a limited liability company as is currently permitted; (xvii) limit the appraisal rights on the sale of substantially all assets to a sale to an interested person; (xviii) provide appraisal rights on a conversion to any unincorporated entity; and (xix) permit a corporation to impose reasonable restrictions on the confidential use and distribution of financial statements and other records that a shareholder receives in the exercise of inspection rights. The measure includes technical changes. Several provisions have a delayed effective date of July 1, 2020.

*Patron - Kilgore*

## Failed

**HB1762 Worker cooperatives.** Establishes worker cooperatives as a category of cooperative associations. A worker cooperative is a stock corporation that has elected to be governed by provisions established by this measure, which include (i) conducting its business primarily for the mutual benefit of its members, (ii) allowing only current and retired employees to be members, (iii) limiting voting rights to current employees, (iv) providing that each employee is entitled to one vote, and (v) requiring that net earnings be paid or credited to members in accordance with the ratio that each member's amount of work performed during a period bears to the total amount of work performed by all members during that period.

*Patron - Carter*

## Counties, Cities and Towns

### Passed

**HB1614 Local Stormwater Management Fund.** Authorizes a locality by ordinance to create a local Stormwater Management Fund consisting of appropriated local moneys for the purpose of granting funds to an owner of private property or a common interest community for stormwater management and erosion prevention on previously developed lands. This bill is identical to SB 1248.

*Patron - Cole*

**HB1649 Local boundary agreements.** Allows all localities, in adopting a voluntary boundary agreement, to attach to their petitions to the circuit court a Geographic Information System (GIS) map depicting the boundary change. Under current law, such use of a GIS map is permitted only regarding the boundaries of certain named localities. This bill is identical to SB 1594.

*Patron - Fowler*

**HB1698 Board of Zoning Appeals; written order; certified mail.** Authorizes a locality to send a zoning administrator's appeal order using certified mail. Current law allows such an order to be sent only by registered mail.

*Patron - Fariss*

**HB1838 Virginia Regional Industrial Facilities Act; revenue sharing; composite index.** Requires the Depart-

ment of Taxation's calculation of true values as applied to the Commonwealth's composite index of local ability-to-pay to take into account an arrangement by localities entered into pursuant to the Virginia Regional Industrial Facilities Act whereby a portion of tax revenue is initially paid to one locality and redistributed to another locality. The bill requires such calculation to properly apportion the percentage of tax revenue ultimately received by each locality. The bill has a delayed effective date of July 1, 2021.

*Patron - Marshall*

**HB1866 Local audit.** Requires that localities submit their annual local audit to the Auditor of Public Accounts. If the audit is not completed as required, the locality shall promptly post a statement on its website, if such website exists, declaring that the required audit is pending, the reasons for the delay, and the estimated date of completion. Such statement shall also be posted and made available to the public at the next scheduled meeting of the local governing body and also be sent to the Auditor of Public Accounts. The statement shall continue to be posted and updated until the audit is complete. Any town with a population of less than 3,500 that voluntarily has an audit prepared shall also submit the results of such audit to the Auditor of Public Accounts.

*Patron - Peace*

**HB1913 Subdivision ordinance; sidewalks.** Allows any locality to include provisions in its subdivision ordinance requiring that where a lot being subdivided or developed fronts on an existing street and the provision of a sidewalk, the need for which is substantially generated and reasonably required by the proposed development, is in accordance with the locality's adopted comprehensive plan, the locality may require the dedication of land for, and construction of, a sidewalk on the property being subdivided or developed. This bill is identical to SB 1663.

*Patron - Bulova*

**HB2012 Industrial development authority; King William County.** Provides that King William County may expand the board of its industrial development authority from seven to nine members. The bill contains technical amendments.

*Patron - Peace*

**HB2033 Turns into or out of certain residential areas; resident permits.** Allows counties that operate under the urban county executive form of government (Fairfax County) by ordinance to develop a program to issue permits or stickers to residents of a designated area that will allow such residents to make turns into or out of the designated area during certain times of day where such turns would otherwise be restricted.

*Patron - Murphy*

**HB2061 Restrictions on activities of former officers and employees; City of Richmond.** Permits the City of Richmond to adopt an ordinance prohibiting former officers and employees from representing a client or any person or group, for compensation, for one year after their terms of office have ended or employment has ceased, on any matters relating to any agency, department, or office at which the officer or employee served or was employed during the one-year period immediately prior to the termination of employment or service. This bill is identical to SB 1194.

*Patron - Adams, D.M.*

**HB2139 Transfer of development rights; specified sending and receiving areas.** Authorizes a locality to designate receiving areas or receiving properties that shall receive

development rights only from certain sending areas or sending properties specified by the locality. The bill also authorizes a locality to provide for areas defined similarly to urban development areas in the ordinance relating to the transfer of development rights. Current law only authorizes inclusion of urban development areas.

*Patron - Thomas*

**HB2141 Local services districts; broadband and telecommunications services.** Authorizes a local governing body, with respect to a service district, to contract with a non-governmental broadband service provider who will construct, maintain, and own communications facilities and equipment required to facilitate delivery of last-mile broadband services to unserved areas of the service district, provided that the locality documents that less than 10 percent of residential and commercial units within the project area are capable of receiving broadband service at the time the construction project is approved by the locality. This bill received Governor's recommendations.

*Patron - Thomas*

**HB2224 Local board of zoning appeals; certain towns; membership.** Authorizes the circuit court for a town with a population of 3,500 or less to appoint either three, five, or seven residents of the locality to the board of zoning appeals. Current law requires appointment to local zoning boards of appeals of either five or seven residents of the locality.

*Patron - O'Quinn*

**HB2229 Affordable housing; waiver of fees.** Provides that a locality may by ordinance provide for the waiver of building permit fees and other local fees associated with the construction, renovation, or rehabilitation of housing by a private-sector entity that is pursuing an affordable housing development. The bill provides that a locality may determine in its ordinance what constitutes affordable housing and may set other conditions on the waiver of fees as it determines appropriate.

*Patron - Bagby*

**HB2305 Sections not set out in Code of Virginia.** Sets out sections in Title 15.2 that are currently carried by reference only. Locality descriptions are replaced with locality names, and various technical amendments are made. This bill is a recommendation of the Virginia Code Commission.

*Patron - Leftwich*

**HB2316 Voluntary boundary agreement between Counties of Caroline and Essex; attachment of GIS map to petitions.** Allows the Counties of Caroline and Essex, in adopting a voluntary boundary agreement, to attach to their petitions to the circuit court a Geographic Information System (GIS) map depicting the boundary change. Under current law, such use of a GIS map, rather than a metes and bounds description, is permitted only regarding the boundary agreements of certain named localities. This bill incorporates HB 2624.

*Patron - Hodges*

**HB2342 Conditional rezoning proffers.** Makes extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments include the addition of provisions stating that no local governing body shall require any unreasonable proffer, as described in current law. Under current law, no locality may request or accept any unreasonable proffer. Other changes (i) allow an applicant to submit any onsite or offsite proffer that the applicant deems reasonable and appropriate, as conclusively evidenced by the signed proffers, and (ii) state that nothing in the bill shall be deemed or inter-

preted to prohibit communications between an applicant or owner and the locality or to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality's public facilities. The provisions of the bill are effective as to any application for a rezoning filed on or after July 1, 2019, or for a proffer condition amendment amending a rezoning that was filed on or after July 1, 2019, or to certain other pending applications. The bill also provides that an applicant with a pending rezoning application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may continue to proceed under the law as it existed prior to that date, and an applicant with a pending rezoning application filed on or after July 1, 2016, but before July 1, 2019, or proffer condition amendment application amending a rezoning for which the application was filed on or after July 1, 2016, but before July 1, 2019, may continue to proceed under the law as it existed during that period. This bill is identical to SB 1373.

*Patron - Thomas*

**HB2375 Adoption of zoning ordinance.** Provides that if a local governing body reduces the time period by which a planning commission shall review a proposed zoning ordinance amendment to less than 100 days, the governing body shall hold at least one public hearing on the proposed reduction of the commission's review period and publish notice of such public hearing in a newspaper having general circulation in the locality at least two weeks prior to the public hearing date and publish the notice on the locality's website, if one exists.

*Patron - Roem*

**HB2420 Grandfathering certain nonconforming use.** Provides that a wall built on residential property shall be grandfathered as a valid nonconforming use, and the wall shall not be subject to removal solely due to such nonconformity, in any instance where (i) a residential property owner sought local government approval prior to 2008 for construction of a wall on the owner's property, (ii) the property owner was informed by a local official that such wall required no permit and that the structure would comply with the zoning ordinance, (iii) the wall was thereafter constructed, (iv) the locality subsequently informed the property owner that the wall was illegal, and (v) such a wall, had it been constructed as described in clauses (ii) and (iii) after 2017, would be considered a valid nonconforming use not subject to removal.

*Patron - Bell, Richard P.*

**HB2485 Industrial development authorities; legislative intent.** Authorizes an industrial development authority to facilitate and support landowner access to carbon markets through aggregation of landowners to reach a size that attracts the investment of private capital.

*Patron - Hodges*

**HB2569 Regulation of child-care services and facilities in certain counties.** Provides that if a zoning administrator in a locality that has, by ordinance, allowed a zoning administrator to use an administrative process to issue zoning permits for family day homes receives a written objection to an application for a permit to operate a family day home within 30 days of notification of such application, the zoning administrator shall issue the permit if the family day home meets all the other criteria for issuance of the permit or may deny the permit, or, if required to do so by local ordinance, refer the permit to the local governing body for consideration. This bill is identical to SB 1094.

*Patron - LaRock*

**HB2585 Sheriffs; standard motor vehicle markings.** Requires that all marked motor vehicles used by sheriffs'

offices conspicuously display on each front side door of such vehicles the words "Sheriff's Office" or "Sheriff" and the name of the county or city. Current law requires such vehicles to be solid dark brown or some other solid color, with a reflectorized gold, five-point star on each front side door and requires that the lettering on such stars say "Sheriff's Office" or "Sheriff" in a half-circle above the Seal of the Commonwealth or the seal of the jurisdiction. Current law also requires that the name of the county or city be placed in a half-circle below the Seal and the words "Sheriff's Office" or "Sheriff" be placed on the rear of the trunk.

*Patron - Gilbert*

**HB2621 Site plan approval; decommissioning certified solar energy equipment, facilities, or devices.** Requires a locality, as part of the local legislative approval process or as a condition of approval of a site plan, to require an owner, lessee, or developer of real property to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon certain terms and conditions, including right of entry by the locality and financial assurance. This bill is identical to SB 1091.

*Patron - Ingram*

**HB2686 Board of zoning appeals; vote requirement.** Changes the vote requirement for certain board of zoning appeals decisions from a majority of the membership to a majority of the membership present and voting. This bill received Governor's recommendations.

*Patron - Knight*

**SB1091 Site plan approval; decommissioning certified solar energy equipment, facilities, or devices.** Requires a locality, as part of the local legislative approval process or as a condition of approval of a site plan, to require an owner, lessee, or developer of real property to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon certain terms and conditions, including right of entry by the locality and financial assurance. This bill incorporates SB 1398 and is identical to HB 2621.

*Patron - Reeves*

**SB1094 Regulation of child-care services and facilities in certain counties.** Provides that if a zoning administrator in a locality that has, by ordinance, allowed a zoning administrator to use an administrative process to issue zoning permits for family day homes receives a written objection to an application for a permit to operate a family day home within 30 days of notification of such application, the zoning administrator shall issue the permit if the family day home meets all the other criteria for issuance of the permit or may deny the permit, or, if required to do so by local ordinance, refer the permit to the local governing body for consideration. This bill is identical to HB 2569.

*Patron - Favola*

**SB1156 Sanctuary policies prohibited.** Provides that no locality shall adopt any ordinance, procedure, or policy intended to restrict the enforcement of federal immigration laws. This bill was vetoed by the Governor.

*Patron - Black*

**SB1194 Restrictions on activities of former officers and employees; City of Richmond.** Permits the City of Richmond to adopt an ordinance prohibiting former officers and employees from representing a client or any person or group, for compensation, for one year after their terms of office have ended or employment has ceased, on any matters relating to any agency, department, or office at which the officer or employee served or was employed during the one-year period

immediately prior to the termination of employment or service. This bill is identical to HB 2061.

*Patron - Dance*

**SB1248 Local Stormwater Management Fund.** Authorizes a locality by ordinance to create a local Stormwater Management Fund consisting of appropriated local moneys for the purpose of granting funds to an owner of private property or a common interest community for stormwater management and erosion prevention on previously developed lands. This bill is identical to HB 1614.

*Patron - Reeves*

**SB1304 Smoking in outdoor amphitheater or concert venue; civil penalty.** Authorizes any locality, by ordinance, to designate reasonable no-smoking areas within an outdoor amphitheater or concert venue owned by the locality. The bill requires such ordinance to (i) require adequate signage designating such areas, (ii) provide that a violation of such ordinance is subject to a civil penalty of not more than \$25 to be paid into the treasury of the locality where the offense occurred and expended solely for public health purposes, and (iii) provide that any law-enforcement officer may issue a summons regarding a violation of the ordinance.

*Patron - Edwards*

**SB1312 Voluntary town audits; submission to Auditor of Public Accounts.** Requires any town not required to submit an annual audit that voluntarily contracts for or performs an audit to submit the results of such audit to the Auditor of Public Accounts upon completion of the audit.

*Patron - Hanger*

**SB1358 Establishment of primary health care facility for employees of locality.** Provides that any locality may establish and operate a primary care health care facility for the locality's employees and covered dependents, the services of which may include vision and dental care.

*Patron - Wagner*

**SB1373 Conditional rezoning proffers.** Makes extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments include the addition of provisions stating that no local governing body shall require any unreasonable proffer, as described in current law. Under current law, no locality may request or accept any unreasonable proffer. Other changes (i) allow an applicant to submit any onsite or offsite proffer that the applicant deems reasonable and appropriate, as conclusively evidenced by the signed proffers, and (ii) state that nothing in the bill shall be deemed or interpreted to prohibit communications between an applicant or owner and the locality or to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality's public facilities. The provisions of the bill are effective as to any application for a rezoning filed on or after July 1, 2019, or for a proffer condition amendment amending a rezoning that was filed on or after July 1, 2019, or to certain other pending applications. The bill also provides that an applicant with a pending rezoning application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may continue to proceed under the law as it existed prior to that date, and an applicant with a pending rezoning application filed on or after July 1, 2016, but before July 1, 2019, or proffer condition amendment application amending a rezoning for which the application was filed on or after July 1, 2016, but before July 1, 2019, may continue to proceed under the law as it existed during that period. This bill incorporates SB 1524 and is identical to HB 2342.

*Patron - Favola*

**SB1400 C-PACE loans; stormwater management; residential dwellings and condominiums.** Authorizes any locality, by ordinance, to authorize contracts to provide loans for the initial acquisition and installation of stormwater management improvements with free and willing property owners of both existing properties and new construction. Current law authorizes such contracts only for clean energy improvements.

*Patron - Petersen*

**SB1559 C-PACE loans; resiliency improvements.** Authorizes any locality, by ordinance, to authorize contracts to provide loans for the initial acquisition and installation of resiliency improvements, including improvements for the mitigation of flooding or the impacts of flooding or stormwater management improvements with a preference for natural or nature-based features and living shorelines with free and willing property owners of both existing properties and new construction. Current law authorizes such contracts only for clean energy improvements. Such ordinance shall include (i) a minimum and maximum aggregate dollar amount that may be financed with respect to a property and (ii) if a locality or other public body is originating the loan, a maximum aggregate dollar amount that may be financed with respect to loans originated by the locality or other public body.

*Patron - Lewis*

**SB1594 Local boundary agreements.** Allows all localities, in adopting a voluntary boundary agreement, to attach to their petitions to the circuit court a Geographic Information System (GIS) map depicting the boundary change. Under current law, such use of a GIS map is permitted only regarding the boundaries of certain named localities. This bill is identical to HB 1649.

*Patron - Dunnivant*

**SB1634 Economic revitalization zone.** Allows any town, by ordinance, to establish one or more economic revitalization zones for the purpose of providing incentives to private entities to purchase real property and interests in real property to assemble parcels suitable for economic development. This authority is currently available only to cities. Each town establishing an economic revitalization zone may grant tax incentives and provide regulatory flexibility. Properties that are acquired through the use of eminent domain shall not be eligible for the incentives and regulatory flexibility provided by the ordinance.

*Patron - Boysko*

**SB1663 Subdivision ordinance; sidewalks.** Allows any locality to include provisions in its subdivision ordinance requiring that where a lot being subdivided or developed fronts on an existing street and the provision of a sidewalk, the need for which is substantially generated and reasonably required by the proposed development, is in accordance with the locality's adopted comprehensive plan, the locality may require the dedication of land for, and construction of, a sidewalk on the property being subdivided or developed. This bill is identical to HB 1913.

*Patron - Barker*

**SB1686 Volunteer assistant attorneys for the Commonwealth.** Permits attorneys for the Commonwealth to appoint volunteer assistants in any jurisdiction. Under current law, attorneys for the Commonwealth may only appoint volunteer assistants in cities with a population over 350,000, any city contiguous thereto, and the City of Richmond.

*Patron - Peake*

**SB1790 City of Virginia Beach; sports or entertainment project.** Grants the City of Virginia Beach certain powers relating to construction of a sports or entertainment project and any related facilities. Among those powers is the authority to (i) issue bonds to construct a sports or entertainment project, (ii) receive state sales and use tax revenue that is attributable to such project, and (iii) use such revenue to repay such bonds. The bill provides that the City of Virginia Beach's entitlement to state sales and use tax revenue shall expire on July 1, 2039. The powers granted by the bill to the City of Virginia Beach are similar to those granted to the Hampton Roads Sports Facility Authority.

*Patron - Wagner*

## Failed

**HB1670 Affordable housing; City of Richmond.** Adds the City of Richmond to the list of localities with authority to provide for an affordable housing dwelling unit program.

*Patron - Carr*

**HB1723 Presiding officer of county board of supervisors; terminology.** Specifies that the presiding officer of a board of supervisors shall be called "chairman," "chairwoman," "chair," or "chair-at-large," in the presiding officer's discretion.

*Patron - Reid*

**HB1755 Broadband services; prohibited features.** Prohibits a provider of broadband services from offering or renewing services to consumers within any locality in the Commonwealth in which certain media is throttled, blocked, or prioritized on the basis of its content, format, host address, or source.

*Patron - Carter*

**HB1776 Prohibition or regulation of tannerite.** Provides that any locality may by ordinance prohibit or regulate the use of tannerite or a similar two-component explosive in or near residential areas. Any penalty for an offense pursuant to such an ordinance shall not exceed a Class 3 misdemeanor.

*Patron - Cole*

**HB1801 Conditional rezoning proffers.** Makes extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments include provisions stating that no locality shall "require" any unreasonable proffer. Under current law, no locality may "request or accept" any unreasonable proffer. Other changes include (i) an expansion of the definitions of "public safety facility improvement" and "public school facility improvement"; (ii) allowing an applicant to submit any offsite proffer that the applicant deems reasonable and appropriate, as conclusively evidenced by the signed proffers; and (iii) provisions stating that nothing in the bill shall be deemed or interpreted to prohibit communications between an applicant or owner and the locality or shall be deemed or interpreted to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality's public facilities either onsite or offsite that are specifically attributable to such development. Final enactments state that (a) the bill shall be effective as to any application for a rezoning or proffer condition amendment filed on or after July 1, 2019, or to certain other pending applications, and (b) an applicant with a pending application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may elect to proceed under the law as it existed prior to that date, and an applicant with a pending application for a rezoning or proffer condition

amendment filed on or after July 1, 2016, but before July 1, 2019, may elect to proceed under the law as it existed during that period.

*Patron - Ware*

**HB1856 Control of firearms; libraries owned or operated by localities.** Allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components or a combination thereof in libraries owned or operated by the locality.

*Patron - McQuinn*

**HB1907 Localities and school divisions; posting of register of funds expended.** Requires every locality with a population greater than 25,000 and each school division with greater than 5,000 students to post quarterly on the public government website of such locality or school division a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information. The bill allows any locality or school division to exclude from such posting any information that is exempt from mandatory disclosure under the Virginia Freedom of Information Act, any personal identifying information related to a court-ordered payment, and any information related to undercover law-enforcement officers. The bill has a delayed effective date of July 1, 2020.

*Patron - VanValkenburg*

**HB1956 Control of firearms; permitted events.** Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in a public space during a permitted event or an event that would otherwise require a permit. The bill contains technical amendments.

*Patron - Toscano*

**HB1992 Localities; regulation of firearms in government buildings.** Allows localities and authorized agents of such localities to regulate the possession of firearms, ammunition, or components or combination thereof in, or the carrying of such items into, any building owned or used by such locality for governmental purposes. The bill also removes the prohibition against a locality regulating the purchase, transfer, ownership, carrying, storage, or transporting of such items. Current law prohibits localities from adopting or enforcing any ordinance, resolution, or motion regarding firearms, ammunition, or components or combination thereof, except workplace rules relating to terms and conditions of employment of the workforce or unless such ordinance, resolution, or motion is expressly authorized by statute.

*Patron - Price*

**HB2023 Lawn care service providers; limit on use of fertilizer; civil penalty.** Authorizes a locality to, by ordinance, limit the amount and number of applications of fertilizer a lawn care service provider is permitted to apply in a given area in a 12-month period. A lawn care service provider that violates such ordinance shall be subject to a civil penalty, not to exceed \$50 for the first violation or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200.

*Patron - Murphy*

**HB2051 Cemeteries; development; local ordinance.** Provides that local subdivision ordinances may include certain requirements to govern the private development of land containing an existing cemetery. The bill also authorizes locali-

ties to adopt ordinances requiring that certain research in local property records be conducted prior to development to identify any cemeteries on the property.

*Patron - McQuinn*

**HB2077 Annual local audit.** Requires localities to submit their annual local audit to the Auditor of Public Accounts. If the audit is not completed as required, the locality shall promptly post a statement on its website declaring that the required audit is pending, the reasons for the delay, and the estimated date of completion. Such statement shall also be posted and made available to the public at the next scheduled meeting of the local governing body. The statement shall continue to be posted and updated until the audit is completed.

*Patron - Aird*

**HB2095 Local prohibition on single use plastic and expanded polystyrene products; local disposable plastic bag 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 county or city to impose a five-cent per bag tax on disposable plastic bags provided to customers by certain retailers, with certain bags being exempt from the tax. The bill directs revenue from the local tax to be used by the county or city imposing the tax for litter control and stormwater management. The bill allows every retailer that collects the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner.

*Patron - Guzman*

**HB2146 Land development; conservation or replacement of trees; local option.** Authorizes any locality to adopt an ordinance providing for either the conservation of or the planting and replacement of trees during the land development process. Currently, only a locality within Planning District 8 with a population density of 75 persons per square mile and which is classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act and Amendments of 1990, in effect as of July 1, 2008, may adopt such an ordinance for the conservation of trees and only a locality with a population density of 75 persons per square mile or within the Chesapeake Bay watershed may adopt such an ordinance for the planting and replacement of trees during the land development process.

*Patron - Turpin*

**HB2189 Local government taxing authority.** Equalizes municipal taxing authority and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. The bill has a delayed effective date of July 1, 2020, prior to which the Joint Subcommittee on Local Government Fiscal Stress shall review the bill and develop recommended legislation to make any other amendments necessary to the Code of Virginia to effectuate its provisions.

*Patron - Kilgore*

**HB2276 Conditional rezoning proffers.** Makes changes to conditional zoning provisions first enacted in 2016 by including a provision that may allow certain localities to opt out of the provisions in their entirety by, in part, establishing a stakeholder advisory committee.

*Patron - Murphy*

**HB2310 Local flood plain regulation.** Authorizes any locality to regulate the activity on, or use or development of, a flood plain in a manner consistent with any state and fed-

eral flood plain management programs and requirements. The bill provides that its provisions shall be given retroactive and prospective effect.

*Patron - Hayes*

**HB2333 Replacement of trees during development process; exceeding requirements to meet certain water goals.** Authorizes a locality to adopt an ordinance exceeding the minimum tree canopy requirements for tree preservation, planting, or replacement during the development process in order to assist in achieving certain specific water quality or water quantity goals identified in the ordinance.

*Patron - Keam*

**HB2377 Memorials for war veterans.** Provides that a locality may remove or provide for the upkeep, maintenance, or contextualization of 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.

*Patron - Toscano*

**HB2450 Annexation; alternatives.** Makes the current temporary moratorium on city annexation permanent by removing the expiration date and references to city annexation throughout the Code. Similarly, provisions regarding county immunity to city annexation are repealed. Towns will continue to have annexation authority. Other amendments seek to promote alternatives to city annexation, including granting authority for a city reverting to town status to refer to itself as a dependent city rather than a town. In addition, for certain local government consolidations, localities may seek to hold an advisory referendum prior to undertaking the consolidation process. The bill establishes the Local Government Efficiency Analysis Fund to encourage localities to explore consolidation, city reversion, interlocal agreements, and other local operational efficiencies that may lead to improved economies of scale and more efficient service delivery. The matching grants from the Fund shall be used for the purpose of allowing localities to overcome cost-prohibitive financial barriers in order to investigate, research, and analyze the benefits of such agreements. The bill is based on selected recommendations of the Commission on Local Government's recently completed study of annexation alternatives.

*Patron - Wilt*

**HB2465 Photo-monitoring systems; requirements for localities.** Requires that engineering safety analyses and monthly evaluations conducted by a locality related to traffic light signal photo-monitoring systems, commonly known as red-light cameras, be posted on such locality's website, if available. The bill requires the reporting of certain traffic incident and financial data. The bill requires localities to establish a 15-day probationary period during which only advisory letters are issued for recorded traffic light signal violations when such a system is implemented or expanded. The bill has a delayed effective date for localities with existing traffic light signal photo-monitoring systems.

*Patron - Collins*

**HB2495 Fall cankerworm; spraying prohibited during certain months.** Prohibits localities from spraying pesticides intended to suppress an infestation of the fall cankerworm during the period between March 1 and August 1.

*Patron - Tran*

**HB2549 Cluster zoning; density calculation.** Prohibits localities from including areas designated as Resource Protection Areas in accordance with the State Water Control Board in a cluster zoning density calculation and provides that nothing in the statute shall require a locality to allow a greater overall density for a clustered development than would be required on a non-clustered development.

*Patron - Jones, S.C.*

**HB2624 Voluntary boundary agreement between Counties of Caroline and Essex; attachment of GIS map to petitions.** Allows the Counties of Caroline and Essex, in adopting a voluntary boundary agreement, to attach to their petitions to the circuit court a Geographic Information System (GIS) map depicting the boundary change. Under current law, such use of a GIS map, rather than a metes and bounds description, is permitted only regarding the boundary agreements of certain named localities. This bill was incorporated into HB 2316.

*Patron - Ransone*

**HB2736 Local employee grievance procedure.** Provides that qualifying grievances by local government employees shall advance to a final step as agreed upon by the aggrieved and the local government; however, if an agreement cannot be reached on whether to use a panel hearing or hearing officer, a three-person panel shall be used. The bill contains technical amendments.

*Patron - Hugo*

**HB2782 Billing of certain medical expenses of local sheriff's deputies and police officers.** Provides that in any instance in which a sheriff's deputy or police officer of a locality incurs medical expenses for treatment by a health care provider for an incident that occurs in the line of duty as the direct or proximate result of the performance of his duty, the locality shall instruct the health care provider that all of its billings for such medical expenses shall be directed to the locality, and not to the sheriff's deputy or police officer, for payment as appropriate.

*Patron - Campbell, R.R.*

**HB2806 Local government; codification of ordinances; affirmative defense.** Requires each locality to codify all ordinances, in permanently bound or loose-leaf form or in an online format so as to be easily accessed by other governmental entities and the public. The bill provides that any person who is the subject of an action brought by a locality for violation of an ordinance 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.

*Patron - LaRock*

**SB1127 Local government taxing authority.** Equalizes municipal taxing authority and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. The bill has a delayed effective date of July 1, 2020, prior to which the Division of Legislative Services is directed to convene a working group to develop recommendations as to what additional legislative changes are needed to effectuate the provisions of the bill.

*Patron - Favola*

**SB1143 Conditional rezoning proffers.** Makes extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments include provisions stating that no locality shall "require" any unreasonable proffer.

Under current law, no locality may “request or accept” any unreasonable proffer. Other changes include (i) an expansion of the definitions of “public safety facility improvement” and “public school facility improvement”; (ii) allowing an applicant to submit any offsite proffer that the applicant deems reasonable and appropriate, as conclusively evidenced by the signed proffers; and (iii) provisions stating that nothing in the bill shall be deemed or interpreted to prohibit communications between an applicant or owner and the locality or shall be deemed or interpreted to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality’s public facilities either onsite or offsite that are specifically attributable to such development. Final enactments state that (a) the bill shall be effective as to any application for a rezoning or proffer condition amendment filed on or after July 1, 2019, or to certain other pending applications, and (b) an applicant with a pending application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may elect to proceed under the law as it existed prior to that date, and an applicant with a pending application for a rezoning or proffer condition amendment filed on or after July 1, 2016, but before July 1, 2019, may elect to proceed under the law as it existed during that period.

*Patron - Peake*

**SB1155 Screening of trash receptacles; local option.** Authorizes a locality, by ordinance, to require that trash, garbage, refuse, litter, and other debris at any business or multi-family residential property that has a central collection receptacle be shielded or screened from view of a person standing at ground level from outside of the property on which the central collection receptacle is located.

*Patron - Black*

**SB1192 Affordable housing; City of Richmond.** Adds the City of Richmond to the list of localities with authority to provide for an affordable housing dwelling unit program.

*Patron - Dance*

**SB1262 Localities and school divisions; posting of register of funds expended.** Requires every locality with a population greater than 25,000 and each school division with greater than 5,000 students to post quarterly on the public government website of such locality or school division a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information. The bill allows any locality or school division to exclude from such posting any information that is exempt from mandatory disclosure under the Virginia Freedom of Information Act, any personal identifying information related to a court-ordered payment, any information related to undercover law-enforcement officers, and any information related to a settlement or contract that contains a confidentiality clause. The bill has a delayed effective date of July 1, 2020.

*Patron - Sturtevant*

**SB1303 Control of firearms; chambers of local governing bodies.** Allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components or a combination thereof at any regular or special meeting of its local governing body, provided that notice of such prohibition is publicly posted and the meeting room is owned or operated by the locality.

*Patron - Edwards*

**SB1305 Recycling and waste disposal; unpaid fees; lien.** Authorizes a locality to recover unpaid charges,

including interest for recycling and waste disposal services. The bill provides that such action shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes, and authorizes localities to combine billings for recycling and waste disposal charges with billings for water or sewer charges, stormwater charges, real property tax assessments, or other billings, in an order established by the locality.

*Patron - Edwards*

**SB1398 Site plan approval; decommissioning certified solar energy equipment, facilities, or devices.** Authorizes a locality, as a condition of approval of a site plan, to require an owner or developer of real property to enter into a written agreement to decommission certified solar energy equipment, facilities, or devices upon certain terms and conditions, including right of entry by the locality and financial assurance. The bill exempts a public utility from such requirements. This bill was incorporated into SB 1091.

*Patron - Stanley*

**SB1473 Control of firearms; permitted events.** Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in a public space during a permitted event or an event that would otherwise require a permit. The bill contains technical amendments.

*Patron - Deeds*

**SB1479 Regulation of development in karst.** Authorizes any locality by ordinance as part of the application process for rezoning property from an agricultural use to a residential use to require (i) the submission of a geological and geophysical survey; (ii) the development of a karst management plan; and (iii) a written disclosure statement to the prospective purchaser of real property and a statement on the deed and record plat that identifies the presence and locations of karst features.

*Patron - Deeds*

**SB1524 Conditional rezoning proffers.** Makes extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments include provisions stating that no locality shall require any unreasonable proffer. Under current law, no locality may request or accept any unreasonable proffer. Other changes include (i) expansion or other amendments to the definitions of “public facilities,” “public facility improvement,” “public safety facility improvement,” “public school facility improvement,” “public transportation facility improvement,” and “small area comprehensive plan”; (ii) a provision allowing an applicant to submit any proffer that the applicant deems reasonable and appropriate, as conclusively evidenced by the signed proffers; (iii) provisions added to the existing exclusions from the statute; and (iv) provisions stating that nothing in the bill shall be deemed or interpreted to prohibit communications between an applicant or owner and the locality or to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality’s public facilities. Subsequent enactment clauses state that (a) the bill shall be effective as to any application for a rezoning or proffer condition amendment filed on or after July 1, 2019, or to certain other pending applications and (b) an applicant with a pending application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, shall proceed under the law as it existed prior to that date, and an applicant with a pending rezoning or proffer condition amendment application filed after July 1, 2016, but before July 1, 2019, may elect to proceed under the law as it existed during that period. This bill was incorporated into SB 1373.

*Patron - Black*

**SB1553 Urban county executive form of government; abandoned shopping carts.** Provides that any county that has adopted the urban county executive form of government (Fairfax 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 ordinance must provide that any such shopping cart that remains on the real property for a period of seven days after a notice of violation is given to the owner of such shopping cart shall be presumed to be abandoned and subject to being removed from the real property by the county or its agents without further notice. In the event 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.

*Patron - Surovell*

**SB1633 Comparative report of local government revenues and expenditures.** Changes the annual deadline for local submittal of the comparative report of local government revenues and expenditures to the Auditor of Public Accounts from November 30 to December 15 and the annual deadline for the statement of the Auditor of Public Accounts showing in detail the total and per capita revenues and expenditures of all localities for the preceding fiscal year from January 31 to February 15.

*Patron - Boysko*

**SB1635 Screening of trash receptacles; local option.** Authorizes a locality, by ordinance, to require that trash, garbage, refuse, litter, and other debris at any business or multi-family residential property that has a central collection receptacle be shielded or screened from view of a person standing at ground level from outside of the property on which the central collection receptacle is located.

*Patron - Boysko*

**SB1699 Subdivision and zoning; sidewalks.** Authorizes a locality, through provisions in a subdivision ordinance or zoning ordinance, subject to certain terms and conditions included in the ordinance, to grant a developer of land the option of either (i) dedicating land for and constructing a sidewalk, the need for which is substantially generated by the proposed development and reasonably required by the locality, or (ii) contributing funds equivalent to the cost of the dedication of land for and construction of a sidewalk on the property to a sidewalk fund, maintained and administered by the locality. Such sidewalk fund may be used by the governing body for sidewalk improvements in the locality.

*Patron - Peake*

**SB1701 Regulation of short-term rentals; urban county executive form of government.** Requires any ordinance adopted by the governing body of any county that operates under the urban county executive form of government (Fairfax County) relating to regulation of short-term rentals to comply with various provisions related to the short-term rental of property, including limits on (i) the total number of nights permitted for short-term rental on the short-term rental operator's property and (ii) the number of short-term rental properties owned by any one person or entity. The bill also requires such ordinance to comply with various Code of Virginia provisions related to zoning enforcement, the Virginia Uniform Statewide Building Code, real estate licensing, common interest communities, and covered entities otherwise regulated by localities.

*Patron - Ebbin*

**SB1762 Traffic impact analysis; solid waste management facilities.** Requires a locality to submit to the Department of Transportation a traffic impact analysis for any proposed rezoning application for a new solid waste management facility.

*Patron - Sturtevant*

**SB1783 Local employee grievance procedure.** Provides that qualifying grievances by local government employees shall advance to a final step as agreed upon by the aggrieved and the local government; however, if an agreement cannot be reached on whether to use a panel hearing or hearing officer, a three-person panel shall be used. The bill contains technical amendments.

*Patron - Boysko*

**SB1788 City of Virginia Beach; sports or entertainment project.** Grants the City of Virginia Beach certain powers relating to construction of a sports or entertainment project and any related facilities. Among those powers is the authority to (i) issue bonds to construct a sports or entertainment project, (ii) receive state sales and use tax revenue that is attributable to such project, and (iii) use such revenue to repay such bonds. The bill provides that the City of Virginia Beach's entitlement to state sales and use tax revenue shall expire on July 1, 2039. The powers granted by the bill to the City of Virginia Beach are similar to those granted to the Hampton Roads Sports Facility Authority.

*Patron - Norment*

## Courts Not of Record

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### Passed

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**HB1712 Dismissal of summons for expiration of vehicle registration; proof of compliance.** Authorizes courts to dismiss a summons issued for expiration of vehicle registration if the defendant provides to the court proof of compliance with the law on or before the court date. This bill is a recommendation of the Committee on District Courts. This bill is identical to SB 1383.

*Patron - Herring*

**HB1742 Marsh Criminal-Traffic Division at Manchester General District Court and John Marshall Criminal-Traffic Division at Richmond General District Court; concurrent jurisdiction.** Clarifies that the Marsh Criminal-Traffic Division at Manchester General District Court has concurrent jurisdiction with the John Marshall Criminal-Traffic Division at the Richmond General District Court over all matters arising in the City of Richmond. As introduced, this bill was a recommendation of the Committee on District Courts. This bill is identical to SB 1108.

*Patron - Adams, D.M.*

**HB1771 Virginia Juvenile Community Crime Control Act; prevention of juvenile crime prior to intake.** Provides that juveniles who have been screened for needing community-based services using an evidence-based assessment protocol are eligible to receive community-based services as provided by the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.). The bill also requires the total number of children who have been screened for needing community diversion or community-based services using an evidence-based assessment protocol to be factored into the

funding determination for community diversion services as provided for by the Act.

*Patron - Mullin*

**HB1787 Student offenses reportable by intake officers to school division superintendents.** Adds (i) threats of death or bodily injury to another person communicated in writing to such person or member of such person's family and (ii) threats to commit serious bodily harm to persons on school property to the list of offenses that a juvenile intake officer is required to report to the school division superintendent when a petition is filed alleging that a juvenile student committed such an offense. This bill is identical to SB 1381.

*Patron - Ransone*

**HB2239 Court buildings; ownership, location, and jurisdiction.** Allows courthouses to be located on property owned jointly by a county and city. Other changes allow Albemarle County to locate its general district courts immediately across the street from the county courthouse and clarify certain jurisdictional issues in cases where a county general district court is established in a city.

*Patron - Bell, Robert B.*

**HB2414 Transfer of venue; delinquency; adjudication.** Provides that a transfer of venue in delinquency proceedings, which under current law may occur only after adjudication, may occur when such adjudication consists of a finding of facts sufficient to justify a finding of delinquency. This bill is a recommendation of the Committee on District Courts and is identical to SB 1201.

*Patron - Adams, L.R.*

**HB2622 Removal of a child; names and contact information of persons with a legitimate interest.** Provides that, in any proceeding in which a child is removed from his home, the court may order the parents or guardians of such child to provide the names and contact information for all persons with a legitimate interest to the local department of social services.

*Patron - Austin*

**HB2679 Jurisdiction of juvenile and domestic relations district courts; state or federal benefit.** Grants the juvenile and domestic relations district courts jurisdiction to make specific findings of fact required by state or federal law to enable a child to apply for or receive a state or federal benefit. This bill is identical to SB 1758.

*Patron - Simon*

**SB1108 Marsh Criminal-Traffic Division at Manchester General District Court and John Marshall Criminal-Traffic Division at Richmond General District Court; concurrent jurisdiction.** Clarifies that the Marsh Criminal-Traffic Division at Manchester General District Court has concurrent jurisdiction with the John Marshall Criminal-Traffic Division at the Richmond General District Court over all matters arising in the City of Richmond. As introduced, this bill was a recommendation of the Committee on District Courts and is identical to HB 1742.

*Patron - McClellan*

**SB1201 Transfer of venue; delinquency; adjudication.** Provides that a transfer of venue in delinquency proceedings, which under current law may occur only after adjudication, may occur when such adjudication consists of a finding of facts sufficient to justify a finding of delinquency. This bill is a recommendation of the Committee on District Courts and is identical to HB 2414.

*Patron - Stuart*

**SB1381 Student offenses reportable by intake officers to school division superintendents.** Adds (i) threats of death or bodily injury to another person communicated in writing to such person or member of such person's family and (ii) threats to commit serious bodily harm to persons on school property to the list of offenses that a juvenile intake officer is required to report to the school division superintendent when a petition is filed alleging that a juvenile student committed such an offense. This bill is identical to HB 1787.

*Patron - McDougle*

**SB1383 Dismissal of summons for expiration of vehicle registration; proof of compliance.** Authorizes courts to dismiss a summons issued for expiration of vehicle registration if the defendant provides to the court proof of compliance with the law on or before the court date. This bill is a recommendation of the Committee on District Courts. This bill is identical to HB 1712.

*Patron - McDougle*

**SB1429 Medical evidence admissible in juvenile and domestic relations district court; preliminary protective order hearings.** Adds preliminary protective order hearings to the list of hearings where 24-hour written notice of intention to present medical evidence is required to present a medical report as evidence in a juvenile and domestic relations district court. Under current law, notice of 24 hours is permitted only in preliminary removal hearings or in preliminary protective orders in cases of family abuse.

*Patron - Obenshain*

**SB1540 Protective orders; contents of preliminary protective orders; docketing of appeal.** Provides that if a preliminary protective order is issued in an ex parte hearing where the petition for the order is supported by sworn testimony and not an affidavit or a form completed by a law-enforcement officer that includes a statement of the grounds for the order, the court issuing the order shall state in the order the basis on which the order was entered, including a summary of the allegations made and the court's findings. The bill also requires that an appeal of a permanent protective order be docketed within two business days of receipt of such appeal. Under current law, such appeals are to be given precedence on the docket of the court over other civil appeals but otherwise docketed and processed in the same manner as other civil cases.

*Patron - Surovell*

**SB1626 Unlawful detainer; appeal bond.** Provides that for an appeal in an unlawful detainer case, the defendant shall post an appeal bond into the general district court in the amount of outstanding rent, late charges, attorney fees, and any other charges or damages due, as contracted for in the rental agreement, due as of the date the appeal is filed with the court. Once the appeal is perfected, the defendant shall pay the rental amount as contracted for to the plaintiff on or before the fifth day of each month. The bill provides that if such amount is not paid, the judge, upon motion of the plaintiff, shall enter judgment for the outstanding amounts due and an order of possession without further hearings. As introduced, this bill is a recommendation of the Virginia Housing Commission.

*Patron - Barker*

**SB1758 Jurisdiction of juvenile and domestic relations district courts; state or federal benefit.** Grants the juvenile and domestic relations district courts jurisdiction to make specific findings of fact required by state or federal law

to enable a child to apply for or receive a state or federal benefit. This bill is identical to HB 2679.

*Patron - Surovell*

## Failed

**HB1630 Substitute judges; powers and duties; entry of a final order.** Provides that a substitute judge has the power to enter a final order in any case heard by the substitute judge for a period of 14 days after the date of a hearing of such case.

*Patron - Collins*

**HB1653 Custody and visitation arrangements; best interests of the child; domestic abuse; child abuse.** Requires the court to consider domestic abuse, defined in the bill, and child abuse in addition to family abuse and sexual abuse in current law when determining the best interests of the child for the purposes of custody and visitation arrangements.

*Patron - Collins*

**HB1797 Places of confinement for juveniles; separation of juveniles from adult offenders.** Provides that when juveniles who are determined by the court to be a threat to the security or safety of other juveniles detained in a juvenile secure facility are transferred to or confined to a jail or other facility for the detention of adults, such adult-detention facility must have the capacity and availability to detain juveniles in accordance with applicable federal and state law. The bill removes an existing provision that such adult-detention facility must be approved by the State Board of Corrections for the detention of juveniles.

*Patron - Hayes*

**HB1957 Children in need of services; disposition; certification by parent that firearms are reasonably secure.** Provides that if a child is found to be in need of services or a status offender, the juvenile or circuit court that permits the child to remain with his parents may require the parent to certify that any firearms located in the house where such child and his parent reside are reasonably secure as to prevent such child's access.

*Patron - Toscano*

**HB2119 School attendance officer; motion for a rule to show cause; child in need of supervision.** Authorizes a school attendance officer or division superintendent or his designee acting as an attendance officer to complete, sign, and file with the clerk of court a motion for a rule to show cause regarding the violation or enforcement of a school attendance order entered by a juvenile and domestic relations district court in response to the filing of a petition alleging the juvenile is a child in need of supervision. The bill also provides that such a filing is not considered the unauthorized practice of law.

*Patron - Carroll Foy*

**HB2199 Preliminary removal order; preliminary protective order for a child; hearing; evidence.** Provides that, in a hearing on a preliminary removal order or preliminary protective order for a child, all relevant and material evidence helpful in determining whether such order may be issued by the court may be admitted by the court even though such evidence may not be competent in a final dispositional hearing.

*Patron - Collins*

**HB2283 Juvenile court; appointment of counsel; waiver.** Prohibits any child age 15 and younger who is alleged to be in need of services, in need of supervision, or delinquent

from waiving his right to an attorney. The bill also requires any child who is age 16 or older and is alleged to be in need of services, in need of supervision, or delinquent to consult with an attorney before such child may waive his right to an attorney. Additionally, a court must determine that such waiver is free and voluntary. Under current law, any child may waive his right to an attorney, and consultation with an attorney and a court determination of a free and voluntary waiver are required only when such child is charged with an offense that would be a felony if committed by an adult.

*Patron - Guzman*

**HB2383 Juvenile and domestic relations court; social history report; consideration and waiver.** Requires a court, whenever it adjudicates a juvenile delinquent of an act that would be a violent felony offense if committed by an adult, to direct an investigation and social history report of the juvenile to be completed and to consider the results of such report prior to entering disposition. Under current law, such report is at the discretion of the court. The bill also prohibits waiver of such report by an agreement between the Commonwealth and the juvenile and his attorney or other legal representative. The bill continues to allow such waiver of a social history, by such agreement, for misdemeanor offenses or felonies not classified as a violent felony.

*Patron - Carroll Foy*

**HB2429 Preliminary protective orders; hearing dates.** Allows the full hearing resulting from the issuance of a preliminary protective order to be heard on the same hearing or trial date as a related criminal offense if such hearing or trial date has already been set for a date later than 15 days after the issuance of the preliminary protective order. Current law requires that a full hearing be held within 15 days of the issuance of a preliminary protective order in every instance.

*Patron - Levine*

**HB2510 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. This bill is a recommendation of the Committee on District Courts.

*Patron - Hugo*

**HB2562 Investigation of social history of juvenile; mental health examination for offenses indicating sexual abnormality.** Requires a juvenile and domestic relations court or a circuit court that has adjudicated a juvenile delinquent of an offense that indicates sexual abnormality, upon application of the attorney for the Commonwealth, the defendant, or counsel for the defendant, to order that the juvenile be examined by at least one psychiatrist or clinical psychologist and that a report be prepared and included in the juvenile's investigation of social history report. The bill allows the court to order such evaluation on his own initiative. If the person examining the juvenile determines that an adequate evaluation of the juvenile can only be performed in an inpatient hospital setting, the court shall have the power to send the juvenile to a state mental hospital for not more than 10 days for the purpose of performing an adequate examination.

*Patron - Bell, Robert B.*

**HB2582 Violation of provisions of protective orders; entering the lands, buildings, or premises owned or leased by protected party prohibited; penalties.** Provides that any person subject to a protective order who enters any land, buildings, or premises, when such entrance is prohibited by a provision of the protective order, while the protected party is present, or enters and remains in or on such land, buildings, or premises until the protected party arrives, is guilty of a Class

6 felony. Current law makes it a Class 6 felony to furtively enter the home of any protected party while the party is present, or to enter and remain in the home of the protected party until the party arrives.

*Patron - Gilbert*

**HB2583 Violation of protective order; armed with firearm or other deadly weapon; mandatory minimum sentence; penalty.** 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.

*Patron - Gilbert*

**HB2606 Exposure to bodily fluids; infection with human immunodeficiency virus or hepatitis B or C viruses; expedited testing.** Requires a general district court to hold a hearing within 48 hours of a petition being filed seeking to compel collection of a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C viruses when exposure to bodily fluids occurs between a person and any health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, person employed by a public safety agency, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen. The bill allows a testing order to be issued based on a finding that there is probable cause to believe that exposure has occurred. The bill directs the Office of the Executive Secretary of the Supreme Court to publish a petition form for such filing. The bill specifies that no specimen obtained as a result of a testing order shall be tested for any purpose other than for the purpose provided for in the bill, nor shall the specimen or the results of such testing be used for any purpose in any criminal matter or investigation. Any violation shall constitute reversible error in any criminal case in which the specimen or results were used.

*Patron - Ward*

**HB2616 Juveniles; trial as adult.** Increases from age 14 to age 16 the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding or for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for charges that require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report of the juvenile be prepared by probation services or other qualified agency and (ii) the attorney for the Commonwealth review such report prior to filing his notice of intent to proceed with a preliminary hearing for trial of such juvenile as an adult.

*Patron - Guzman*

**HB2650 Custody and visitation arrangements; best interests of the child; domestic abuse; child abuse.** Requires the court to consider domestic abuse, defined in the bill, and child abuse in addition to, under current law, family abuse and sexual abuse when determining the best interests of the child for the purposes of custody and visitation arrangements.

*Patron - Levine*

**HB2675 Initiation of a civil action; clerk of a general district court.** Requires a general district court clerk to file, process, and issue for service of process any pleading initi-

ating a civil action in the general district court within 14 days of receipt of such pleading.

*Patron - Tyler*

**SB1121 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. This bill is a recommendation of the Committee on District Courts.

*Patron - Petersen*

**SB1263 Juveniles; trial as adult.** Increases the minimum age that a juvenile can be tried as an adult in circuit court for a felony larceny offense from 14 years of age to 16 years of age.

*Patron - Saslaw*

**SB1279 School attendance officer; motion for a rule to show cause; child in need of supervision.** Authorizes a school attendance officer or local school division superintendent or his designee acting as an attendance officer to complete, sign, and file with the intake officer, on forms approved by the Supreme Court of Virginia, a motion for a rule to show cause regarding the enforcement of an order entered by a juvenile and domestic relations district court relating to the filing of a complaint alleging the pupil is a child in need of supervision. The bill also provides that such a filing is not considered the unauthorized practice of law.

*Patron - Barker*

**SB1285 School attendance officer; motion for a rule to show cause; child in need of supervision.** Authorizes a school attendance officer or local school division superintendent or his designee acting as an attendance officer to complete, sign, and file with the intake officer, on forms approved by the Supreme Court of Virginia, a motion for a rule to show cause regarding the enforcement of an order entered by a juvenile and domestic relations district court relating to the filing of a complaint alleging the pupil is a child in need of supervision. The bill also provides that such a filing is not considered the unauthorized practice of law.

*Patron - Barker*

**SB1659 Juveniles; trial as adult.** In order to be tried as an adult in circuit court for charges that require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires, unless waived by the juvenile and his attorney, that (i) a report of the juvenile be prepared by probation services or other qualified agency and (ii) the attorney for the Commonwealth review such report prior to filing his notice of intent to proceed with a preliminary hearing for trial of such juvenile as an adult.

*Patron - Marsden*

## Courts of Record

### Passed

**HB1944 Civil actions; no-fault divorce; fees and costs.** Provides that, in the case of a no-fault divorce proceeding, there is a presumption that a party to the case who is the recipient of a state or federally funded public assistance program for the indigent is unable to pay the fees or costs. The bill further provides that, in such no-fault divorce proceeding, such person shall certify to the receipt of such benefits under oath.

*Patron - Campbell, J.L.*

**HB2058 Remote access to land records; fee; exemption for certain state agencies.** Exempts the Department of General Services, the Department of Conservation and Recreation, the Department of Forestry, and the Virginia Alcoholic Beverage Control Authority from paying any fee for remote access to land records. The bill also provides that if a clerk of the circuit court who provides secure remote access to land records contracts with an outside vendor to provide such remote access to subscribers, such contract shall contain a provision exempting the Department of General Services, the Department of Conservation and Recreation, the Department of Forestry, and the Virginia Alcoholic Beverage Control Authority from paying any access or subscription fee. The bill further provides that when an agreement for such remote access is made between a state agency and the clerk or an outside vendor, the agreement shall provide that the state agency is required to monitor its employees' activity under such agreement to ensure compliance with its terms.

*Patron - Carr*

**SB1542 Civil actions; determination of indigency.** Provides that, in the case of a no-fault divorce proceeding, a person who is a current recipient of a state or federally funded public assistance program for the indigent shall not be subject to fees and costs. The bill further provides that, in such no-fault divorce proceeding, such person shall certify to the receipt of such benefits under oath.

*Patron - Surovell*

## Failed

**HB2323 Clerks; refusal to record certain liens or encumbrances.** Provides that a clerk may refuse to record a lien or encumbrance filed by a person previously convicted of filing a false lien or encumbrance, provided that such lien or encumbrance to be recorded is the same or substantially similar to the lien or encumbrance that led to such person's conviction. The bill further allows a clerk to refuse to record a lien or encumbrance if the clerk reasonably believes such lien or encumbrance is being filed maliciously. The bill provides that the person attempting to file such lien or encumbrance shall receive written notice of such refusal and an opportunity to be heard as to why such lien or encumbrance is not malicious.

*Patron - Yancey*

**HB2554 Discretionary sentencing guideline mid-points; act of domestic terrorism enhancement.** Provides that in addition to any increase in the midpoint of an initial recommended sentencing range already calculated for a defendant's criminal history, a defendant who commits an act of domestic terrorism, as defined in the bill, shall have the midpoint of the recommended sentencing range for his offense further increased by 200 percent in all cases.

*Patron - Price*

## Crimes and Offenses Generally

### Passed

**HB1636 Trespass; unmanned aircraft system; prohibited take off or landing; penalty.** Provides that any person who knowingly and intentionally causes an unmanned aircraft system to take off or land in violation of current Federal Aviation Administration Special Security Instructions or

UAS Security Sensitive Airspace Restrictions is guilty of a Class 1 misdemeanor.

*Patron - Knight*

**HB1674 Abuse and neglect of incapacitated adults; informed consent.** Clarifies, for the purposes of the exemptions to abuse and neglect of incapacitated adults, that the informed consent or a declaration of the incapacitated person must have been given when such person was not incapacitated and that any wishes of the incapacitated person relied upon must have been made known when such person was not incapacitated. The bill provides that its provisions are declaratory of existing law.

*Patron - Mullin*

**HB1817 Promoting travel for prostitution; penalty.** Makes it a Class 1 misdemeanor for any travel agent to knowingly promote travel services for the purposes of prostitution or certain offenses involving minors that require registration on the Sex Offender and Crimes Against Minors Registry.

*Patron - Delaney*

**HB1826 Health care professionals; advertising.** Prohibits a health care professional from including in any advertisement a reference to marijuana, unless such advertisement is for the treatment of addiction or substance abuse. However, a person registered with the Board of Pharmacy to issue written certifications for the use of cannabidiol or THC-A oil may include such information in an advertisement.

*Patron - Orrock*

**HB1941 Maiming, etc., of another; driving while intoxicated; operating watercraft while intoxicated; penalties.** Increases from a Class 6 felony to a Class 4 felony the punishment for a person who, as a result of driving while intoxicated or operating a watercraft or motorboat while intoxicated in a manner so gross, wanton, and culpable as to show reckless disregard for human life, unintentionally causes the serious bodily injury, as defined in the bill, of another person resulting in permanent and significant physical impairment. The bill creates a Class 6 felony for such driving or operation that unintentionally causes the serious bodily injury, as defined in the bill, of another person.

*Patron - Bell, Robert B.*

**HB2042 Assault and battery against a family or household member; prior conviction; mandatory minimum term of confinement.** Provides that upon a conviction for assault and battery against a family or household member where it is alleged in the warrant, petition, information, or indictment on which a person is convicted that such person has been previously convicted of an offense that occurred within a period of 10 years of the instant offense against a family or household member of (i) assault and battery against a family or household member, (ii) malicious wounding or unlawful wounding, (iii) aggravated malicious wounding, (iv) malicious bodily injury by means of a substance, (v) strangulation, or (vi) an offense under the law of any other jurisdiction that has the same elements of any of the above offenses such person is guilty of a Class 1 misdemeanor and the sentence of such person shall include a mandatory minimum term of confinement of 60 days. This bill received Governor's recommendations.

*Patron - Murphy*

**HB2056 False information and hoax criminal activities; penalty.** Makes it a Class 1 misdemeanor for any person to knowingly, with the intent to mislead a law-enforcement agency, cause another to give a false report to any law-enforcement official by publicly simulating a violation of Chapter 4 (§ 18.2-30 et seq.) (Crimes Against the Person) or

Chapter 5 (§ 18.2-77 et seq.) (Crimes Against Property) of Title 18.2. This bill is identical to SB 1031.

*Patron - Yancey*

**HB2118 Department of Forensic Science; accrediting bodies.** Removes a forensic lab accrediting body no longer in existence and provides that laboratories that are accredited or certified by an accrediting body that requires conformance to forensic-specific requirements and that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement with a scope of accreditation that covers the testing being performed may conduct independent blood alcohol or drug testing.

*Patron - Mullin*

**HB2138 Prohibited inhalants or other noxious chemical substances; fluorinated hydrocarbons and hydrogenated fluorocarbons.** Adds fluorinated hydrocarbons or vapors and hydrogenated fluorocarbons to the list of prohibited drugs or noxious chemical substances that a person may deliberately smell or inhale with the intent to become intoxicated, inebriated, excited, or stupefied or to dull the brain or nervous system or that a person may deliberately cause, invite, or induce a person to smell or inhale with the intent to intoxicate, inebriate, excite, stupefy, or dull the brain or nervous system of such person.

*Patron - Thomas*

**HB2170 False caller identification information; penalty.** Makes it a Class 3 misdemeanor for any person who, with the intent to defraud, intimidate, or harass, causes a telephone to ring and engages in conduct that results in the display of false caller identification information on the called party's telephone. The bill raises the penalty to a Class 2 misdemeanor for a second or subsequent conviction. The bill does not apply to the blocking of caller identification information, to law-enforcement agencies and officers, to intelligence or security agencies of the federal government and their employees, or to telecommunications, broadband, or Voice-over-Internet protocol service providers in certain circumstances.

*Patron - Brewer*

**HB2253 Nonresident concealed handgun permits; time of issuance.** Requires the Department of State Police (Department) to issue a concealed handgun permit to a nonresident within 90 days of receipt of the nonresident's completed application unless it determines that he is disqualified. The bill provides that the Department shall certify the nonresident's application as a de facto concealed handgun permit, which is effective for a period of 90 days after issuance, if the Department has not issued the permit or determined that the nonresident is disqualified within that 90-day period. The bill has a delayed effective date of October 1, 2019. This bill was vetoed by the Governor.

*Patron - Pogge*

**HB2396 Breach of personal information notification; passport and military identification numbers.** Requires an individual or entity that owns or licenses computerized data that includes the first name or first initial and last name in combination with or linked to a passport number or military identification number to disclose any breach of the security system following discovery or notification of the breach to the Office of the Attorney General and any affected resident of the Commonwealth without unreasonable delay.

*Patron - Lopez*

**HB2452 Contempt of court; failure to appear.** Provides that contempt of court for willful failure to appear may be punished summarily. The bill also requires judges to

indicate, in writing, the reason for a charge and punishment of contempt when punished summarily. As introduced, this bill is a recommendation of the Virginia State Crime Commission.

*Patron - Adams, L.R.*

**HB2464 Testimony by child victims and witnesses using two-way closed-circuit television; commercial sex trafficking and prostitution offenses.** Allows a court to order, upon application by the attorney for the Commonwealth or the defendant, that the testimony of a child victim of an offense of commercial sex trafficking or prostitution, if such child is 14 years of age or younger at the time of the offense and 16 years of age or younger at the time of the trial, be taken by two-way closed-circuit television. The bill allows the same for child witnesses of such offenses who are 14 years of age or younger at the time of the trial. This bill is a recommendation of the Virginia State Crime Commission.

*Patron - Collins*

**HB2484 Offenses relating to credit cards; venue.** Provides that a prosecution for an offense related to credit cards may occur in the county or city in which the cardholder resides. Under current law, such prosecution may only be had in the county or city in which (i) any act in furtherance of the crime was committed or (ii) an issuer or acquirer, or an agent of either, sustained a financial loss as a result of the offense.

*Patron - Hodges*

**HB2528 Felony homicide; certain drug offenses; penalty.** 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 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. The bill also provides that if a person gave or distributed a Schedule I or II controlled substance only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility, or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he is guilty of a Class 5 felony.

*Patron - Hugo*

**HB2548 Restoration of firearms rights; report to State Police.** Creates a method whereby circuit courts shall report to the Department of State Police the issuance of a restoration order that unconditionally authorizes the possession, transportation, or carrying of a firearm to a person (i) who has been convicted of a felony; (ii) adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder, kidnapping, robbery by the threat or presentation of firearms, or rape; or (iii) under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult. The bill provides that if a court enters an order restoring a felon's right, the order shall contain the felon's name and date of birth and the clerk of the court shall certify and forward the restoration order accompanied by a complete set of the petitioner's fingerprints to the Central Criminal Records Exchange (CCRE). The bill provides that the Department of State Police, upon receipt of the restoration

order, shall enter the felon's name and description in the CCRE so that law-enforcement personnel accessing the CCRE will be aware of the order's existence. The bill has a delayed effective date of January 1, 2021.

*Patron - Rush*

**HB2563 Drug paraphernalia and controlled paraphernalia; fentanyl testing products.** Clarifies that narcotic testing products used to determine whether a controlled substance contains fentanyl or a fentanyl analog are not drug paraphernalia or controlled paraphernalia.

*Patron - Robinson*

**HB2586 Prostitution and sex trafficking; offenses involving a minor; penalties.** Provides that any person who commits an act of aiding prostitution or illicit sexual intercourse or using a vehicle to promote prostitution or unlawful sexual intercourse, when such act involves a minor, is guilty of a Class 6 felony. Under current law, such acts are punishable as a Class 1 misdemeanor. The bill adds the two new felony offenses to (i) the definition of "violent felony" for the purposes of sentencing guidelines, (ii) the definition of barrier crimes for the purposes of background checks for employees or volunteers providing care to children or the elderly or disabled, (iii) the definition of predicate criminal acts for street gangs, (iv) the definition of racketeering activity under the Virginia Racketeer Influence and Corrupt Organization Act, (v) the list of violations that a multi-jurisdiction grand jury is responsible for investigating, and (vi) the list of offenses requiring registration in the Sex Offender and Crimes Against Minors Registry. The bill also adds felony prostitution and felony human trafficking offenses to the definition of "violent felony" for the purposes of sentencing guidelines. The bill also provides that each violation of commercial sex trafficking is a separate and distinct felony. This bill is a recommendation of the Virginia State Crime Commission.

*Patron - Bell, Robert B.*

**HB2615 Capital murder; punishment.** Provides that any person convicted of capital murder who was 18 years of age or older at the time of the offense shall be sentenced to no less than a mandatory minimum term of confinement for life. This bill received Governor's recommendations.

*Patron - Pillion*

**HB2665 Specialty dockets; report.** Requires the Office of the Executive Secretary of the Supreme Court to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local specialty dockets established in accordance with the Rules of Supreme Court of Virginia and submit a report of these evaluations to the General Assembly by December 1 of each year. This bill is identical to SB 1655.

*Patron - Stolle*

**HB2678 Unlawful dissemination or sale of images of another person; penalty.** Provides, for the purposes of the prohibition against the unlawful dissemination or sale of certain images of another person, that "another person" includes a person whose image was used in creating, adapting, or modifying a videographic or still image with the intent to depict an actual person and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristics. This bill is identical to SB 1736.

*Patron - Simon*

**HB2748 Purchase, possession, and sale of tobacco products, nicotine vapor products, and alternative nicotine products; minimum age requirements; penalties.** Increases the minimum age for persons prohibited from purchasing or

possessing tobacco products, nicotine vapor products, and alternative nicotine products, and the minimum age for persons such products can be sold to, from 18 years of age to 21 years of age with an exception for active duty military personnel. The bill also allows tobacco products, nicotine vapor products, and alternative nicotine products to be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to persons under 21 years of age. Under current law, tobacco products may be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to minors. This bill is identical to SB 1727.

*Patron - Stolle*

**SB1031 False information and hoax criminal activities; penalty.** Makes it a Class 1 misdemeanor for any person to knowingly, with the intent to mislead a law-enforcement agency, cause another to give a false report to any law-enforcement official by publicly simulating a violation of Chapter 4 (§ 18.2-30 et seq.) (Crimes Against the Person) or Chapter 5 (§ 18.2-77 et seq.) (Crimes Against Property) of Title 18.2. This bill is identical to HB 2056.

*Patron - Chase*

**SB1179 Application for a resident concealed handgun permit; United States Armed Forces.** Provides that for purposes of determining domicile to obtain a resident concealed handgun permit a member of the United States Armed Forces is domiciled in the county or city where such member claims his home of record with the United States Armed Forces. The bill clarifies that a member of the United States Armed Forces who is stationed outside of the Commonwealth but domiciled in the Commonwealth may apply for a resident concealed handgun permit.

*Patron - Stuart*

**SB1251 Manufacture and distribution of switchblade knives.** Exempts from the prohibition on selling or possessing switchblade knives the possession of any switchblade knife by a manufacturer or distributor in the course of his employment, or employee thereof in the course of his employment, and the wholesale or retail sale of a switchblade knife by a manufacturer or distributor through which the switchblade knife is shipped to any person outside of the Commonwealth. This bill was vetoed by the Governor.

*Patron - Reeves*

**SB1349 Safe reporting of overdoses.** Eliminates the requirement to substantially cooperate with law enforcement in any investigation of any criminal offense reasonably related to an overdose in order to qualify for an affirmative defense from 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.

*Patron - McDougle*

**SB1395 Threats of death or bodily injury to a health care provider.** Provides that any person who orally makes a threat to kill or to do bodily injury against any health care provider who is engaged in the performance of his duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering emergency medical care is guilty of a Class 1 misdemeanor, unless the person is on the premises of the hospital or emergency room as a result of an emergency custody order, an involuntary temporary detention

order, an involuntary hospitalization order, or an emergency custody order of a conditionally released acquittee.

*Patron - Howell*

**SB1501 Capital murder; law-enforcement officers and fire marshals; mandatory minimum.** Provides that any person convicted of capital murder of a law-enforcement officer or certain other public safety officials who was 18 years of age or older at the time of the offense shall be sentenced to no less than a mandatory minimum term of confinement for life.

*Patron - Carrico*

**SB1655 Specialty dockets; report.** Requires the Office of the Executive Secretary of the Supreme Court to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local specialty dockets established in accordance with the Rules of Supreme Court of Virginia and submit a report of these evaluations to the General Assembly by December 1 of each year. This bill is identical to HB 2665.

*Patron - Cosgrove*

**SB1675 Killing or injuring police animals; penalty.** Requires a mandatory minimum term of imprisonment of six months for any person who maliciously kills or injures an animal owned, used, or trained by a law-enforcement agency, regional jail, or the Department of Corrections while such animal is performing its lawful duties or is being kept in a kennel, pen, or stable while off duty. The bill also provides that such punishment shall be separate and apart from, and shall be made to run consecutively with, any other sentence. This bill received Governor's recommendations.

*Patron - Reeves*

**SB1727 Purchase, possession, and sale of tobacco products, nicotine vapor products, and alternative nicotine products; minimum age requirements; penalties.** Increases the minimum age for persons prohibited from purchasing or possessing tobacco products, nicotine vapor products, and alternative nicotine products, and the minimum age for persons such products can be sold to, from 18 years of age to 21 years of age with an exception for active duty military personnel. The bill also allows tobacco products, nicotine vapor products, and alternative nicotine products to be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to persons under 21 years of age. Under current law, tobacco products may be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to minors. This bill is identical to HB 2748.

*Patron - Norment*

**SB1736 Unlawful dissemination or sale of images of another person; penalty.** Provides, for the purposes of the prohibition against the unlawful dissemination or sale of certain images of another person, that "another person" includes a person whose image was used in creating, adapting, or modifying a videographic or still image with the intent to depict an actual person and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic. This bill is identical to HB 2678.

*Patron - Ebbin*

**SB1738 Illegal gambling; definition.** Amends the definition of illegal gambling to clarify that the making, placing, or receipt of any bet or wager of money or other consideration or thing of value shall include the purchase of a product,

Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device, regardless of whether the chance to win such prize, stake, or other consideration or thing of value may be offered in the absence of a purchase. This bill incorporates SB 1721.

*Patron - Reeves*

## Failed

**HB1616 Use or display of firearm during commission of a felony; killing or injuring police animals; penalty.** Adds maliciously shooting, stabbing, wounding, or otherwise causing bodily injury to or administering poison to any animal used or trained by a law-enforcement agency, regional jail, or the Department of Corrections to the list of felonies for which a separate penalty is prescribed if a firearm is used during the commission of the offense.

*Patron - Fowler*

**HB1644 Reporting lost or stolen firearms; civil penalty.** Requires a person who lawfully possesses a firearm to 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 (NCIC). A violation is punishable by a civil penalty of \$50 for a first offense and not less than \$100 or more than \$250 for any subsequent offense. 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.

*Patron - Bourne*

**HB1651 Grand larceny; threshold.** Increases from \$500 to \$750 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes.

*Patron - Hayes*

**HB1654 Prohibited carrying of certain firearms in public areas; penalty.** Prohibits the carrying of a loaded shotgun or rifle in places open to the public in certain cities and counties. Current law prohibits the carrying in such locations of certain loaded firearms with high capacity magazines, silencers, or folding stock, or a loaded shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered. The bill adds the City of Roanoke to the list of cities in which the carrying of such firearms is prohibited.

*Patron - Rasoul*

**HB1688 Disorderly conduct; students.** Provides that a student at any elementary or secondary school shall not be guilty of disorderly conduct in public places if the disorderly conduct occurred on school property or a school bus.

*Patron - Mullin*

**HB1691 Manufacture, import, sale, transfer, or possession of undetectable firearms; penalty.** 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 also updates language regarding the types of detection devices that are used at airports for detecting plastic firearms.

*Patron - Simon*

**HB1716 Criminal sexual assault; definition of sexual abuse; complaining witness under age 13.** Includes in the definition of “sexual abuse” the intentional touching of any part of a complaining witness’s body, either on the skin or the material covering the complaining witness’s body, if the complaining witness is under the age of 13 and the act is committed with the intent to sexually molest, arouse, or gratify any person. The bill repeals the current provision relating to adult penetration of the mouth of a child under the age of 13 with lascivious intent.

*Patron - Gooditis*

**HB1741 Failure to disclose material facts in order to obtain aid or benefits under housing assistance program; penalty.** Provides that any person who (i) knowingly makes or causes to be made any false statement in writing or fails to disclose any material fact concerning the financial means or ability to pay for the purpose of procuring aid and benefits under any local, state, or federally funded housing assistance program or (ii) knowingly fails to disclose a change in circumstances in order to obtain or continue to receive aid or benefits under such program or who knowingly aids and abets another person in the commission of any such act is guilty of larceny. If the amount of the aid or benefits obtained is \$500 or more, such person is guilty of grand larceny, which is punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years or, in the discretion of the jury or a court trying the case without a jury, confinement in jail not exceeding 12 months or a fine of not more than \$2,500, either or both. If the amount of the aid or benefits obtained is less than \$500, such person is guilty of petit larceny, which is a Class 1 misdemeanor. Under current law, such actions are punishable as a Class 1 misdemeanor regardless of the amount of the aid or benefits obtained.

*Patron - Bulova*

**HB1763 Firearms; removal from persons posing substantial risk; penalties.** 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 warrant to remove firearms from such person. An emergency substantial risk warrant 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 person subject to the order resides 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, 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 fire-

arm; 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.

*Patron - Sullivan*

**HB1808 Assault and battery in the presence of a minor; penalty.** Provides that any person who commits assault and battery or assault and battery against a family or household member while (i) in the physical presence of a minor and (ii) knowing or having reason to know that such minor may see or hear such assault and battery is guilty of a Class 1 misdemeanor for a first offense and a Class 6 felony for a second or subsequent offense. The bill also provides any person who commits a felony act of violence while (a) in the physical presence of a minor and (b) knowing or having reason to know that such minor may see or hear such assault and battery is guilty of a Class 5 felony.

*Patron - Gooditis*

**HB1825 Employment of persons 18 years of age or older but under 21 years of age in a sexually oriented business prohibited; penalty.** Makes it a Class 4 misdemeanor for any person to employ a person 18 years of age or older but under 21 years of age in, or to permit or suffer a person 18 years of age or older but under 21 years of age to be employed or work in, a sexually oriented business, as defined in the bill. The bill also makes it a Class 4 misdemeanor for any person 18 years of age or older but under 21 years of age to be an employee or a performer in, or to work in, a sexually oriented business. The bill requires the Alcohol Beverage Control Authority to suspend or revoke the license of a mixed beverage licensee if the licensee commits or permits two or more violations of such prohibition in the licensed establishment. The bill has a delayed effective date of July 1, 2022.

*Patron - Cole*

**HB1834 Use of binary explosives; penalty.** Creates a Class 1 misdemeanor for any person to combine the components of a binary explosive, defined in the bill, to create an explosive material and ignite more than five pounds of such explosive material at a single time.

*Patron - Marshall*

**HB1845 Carnal knowledge of pretrial or post-trial offender by owner or employee of bail bond company or volunteer or employee of residential substance abuse program; penalties.** Provides that an accused is guilty of carnal knowledge of a pretrial or posttrial offender, punishable as a Class 6 felony, if (i) he is an employee or volunteer providing services at a residential substance abuse program licensed by the Department of Behavioral Health and Developmental Services; (ii) the offender is participating in such residential substance abuse program as a condition of bail or posttrial supervision; and (iii) the accused carnally knows, without use of force, threat, or intimidation, the pretrial defendant or post-trial offender. The bill also increases the penalty for carnal knowledge of a pretrial or posttrial offender by an owner or employee of a bail bond company from a Class 1 misdemeanor to a Class 6 felony.

*Patron - Brewer*

**HB1855 Charitable Gaming Board; Texas Hold'em poker events.** Allows a qualified organization to conduct Texas Hold'em poker events in conjunction with its charitable gaming activities. The conditions under which a qualified organization may manage, operate or contract with operators of, or conduct Texas Hold'em poker games and tournaments shall be prescribed by the Charitable Gaming Board.

In addition, the bill establishes the Problem Gambling Treatment and Support Fund administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to supporting organizations that provide assistance to compulsive gamblers. The bill also provides that the initial regulations adopted by the Charitable Gaming Board pertaining to the conduct of Texas Hold'em events shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.).

*Patron - Davis*

**HB1863 Abortion; informed written consent.** Repeals the statutory requirements that a physician obtain a pregnant woman's informed written consent and perform fetal transabdominal ultrasound imaging before performing an abortion.

*Patron - Rodman*

**HB1899 Concealed handgun permits; demonstration of competence.** 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.

*Patron - Bell, John J.*

**HB1947 Threats to bomb or damage; false information as to danger; private or public elementary or secondary school; penalty.** Provides that for any person who (i) makes and communicates to another by any means any threat to bomb, burn, destroy, or in any manner damage a private or public elementary or secondary school or (ii) communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction, or damage to a private or public elementary or secondary school the punishment includes a term of confinement of at least six months, five days of which is a mandatory minimum. Under current law, a person who is 15 or older is guilty of a Class 5 felony and a person who is under 15 is guilty of a Class 1 misdemeanor for such violation.

*Patron - Campbell, J.L.*

**HB1991 Domestic terrorism offenses; penalty.** Creates a new separate and distinct Class 5 felony for any person who actively participates in or is a member of a domestic terrorist organization, defined in the bill, and who knowingly and willfully participates in any act of domestic terrorism, also defined in the bill, committed for the benefit of, at the direction of, or in association with any domestic terrorist organization. The bill provides that any person who provides material support to a domestic terrorist organization is guilty of a Class 3 felony and subject to civil liability. The bill directs the Superintendent of State Police to promulgate regulations creating a procedure and establishing criteria for identifying all organizations, groups, or associations meeting the definition of a domestic terrorist organization.

*Patron - Price*

**HB2010 Using flame producing instrument or device with intent to intimidate; penalty.** Provides that any person who, with the intent of intimidating any person or group of persons, uses any flame producing torch or other flame producing instrument or device on the private property of another without permission or on a highway or other public place in a manner having a direct tendency to place another person in rea-

sonable fear or apprehension of death or bodily injury is guilty of a Class 6 felony.

*Patron - Toscano*

**HB2032 Assault and battery against a family or household member; enhanced penalty.** Reduces from two prior convictions to one prior conviction the required number of prior convictions of assault and battery against a family or household member before the Class 6 felony applies. The bill has a delayed effective date of July 1, 2020.

*Patron - Murphy*

**HB2036 Prima facie evidence of intent to commit larceny by employed caregiver of an adult.** Provides that in any prosecution of an employed caregiver of an adult for larceny, the pawning of property by such caregiver shall be prima facie evidence of intent to commit larceny of such property if (i) the property belongs to the adult the caregiver is employed to care for; (ii) the caregiver cares for such adult in the adult's home; (iii) the caregiver is not a family or household member of such adult; and (iv) the caregiver does not receive written authorization to take and pawn such property prior to pawning it.

*Patron - McGuire*

**HB2066 Stolen firearms; penalties.** 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.

*Patron - Yancey*

**HB2079 Marijuana; decriminalization of simple marijuana possession; penalty.** Decriminalizes 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. 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 the penalty for distribution or possession with intent to sell more than one-half ounce but not more than five pounds of marijuana from a Class 5 felony to a Class 6 felony.

*Patron - Heretick*

**HB2087 Prostitution-related crimes; minors; penalties.** Increases from a Class 1 misdemeanor to a Class 6 felony the penalties for the following crimes if a minor is involved: (i) keeping, residing in, or visiting a bawdy place; (ii) aiding prostitution; and (iii) using vehicles to promote prostitution. The bill also adds felony violations of these offenses to (a) the list of offenses for which registration in the Sex Offender and Crimes Against Minors Registry is required, (b) the definition of violent felony for the purposes of the sentencing guidelines, (c) the list of predicate criminal acts that constitutes the

definition of street gangs, (d) the list of offenses that may constitute racketeering under the Virginia Racketeer Influenced and Corrupt Organization Act, and (e) the offenses that may be investigated by a multi-jurisdiction grand jury. The bill also makes applicable to all persons, regardless of the gender of the victim, the crimes of (1) assisting or aiding in the abduction of or threatening to abduct a female under 16 years of age for the purpose of concubinage or prostitution, which the bill also changes to include any person under 18 years of age, and (2) placing or leaving one's wife in a bawdy place. The bill contains technical amendments.

*Patron - Watts*

**HB2106 Harassment by computer and electronic means; penalty.** Provides that any person who, with the intent to coerce, intimidate, or harass any person, (i) engages in a continuing course of conduct of communication by electronic means or using a computer or computer network to make disparaging statements about such person's physical characteristics, sexuality, sexual activity, or mental or physical health or condition; (ii) creates a fake profile of such person on any Internet website or social media platform; (iii) pretends to be another person in any Internet chat room, electronic mail message, or instant electronic message; (iv) posts a real or altered image of such person on the Internet; or (v) accesses, alters, copies, or erases any content of a computer, computer network, or password protected account on any network or social media platform is guilty of a Class 1 misdemeanor. If any person age 18 or older commits such offense involving a child victim, the penalty upon conviction shall include a mandatory minimum term of confinement of 10 days and a mandatory minimum fine of \$250. If any person age 18 or older has previously been convicted of such offense involving a child victim, a second or subsequent conviction involving a child victim shall include a mandatory minimum term of confinement of 30 days and a mandatory minimum fine of \$500.

*Patron - Morefield*

**HB2132 Crimes against incapacitated and vulnerable adults; penalties.** Expands the crime of abuse and neglect of an adult to include abuse and neglect of vulnerable adults, defined in the bill as persons 60 years of age or older. Current law applies only to incapacitated adults, defined as persons 18 years of age or older who are impaired by reason of mental illness, intellectual disability, physical illness or disability, advanced age, or other causes to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being. The bill also expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age over the age of 60, or other causes that prevent such persons from understanding the nature or consequences of the financial transaction involved in an offense against such person. The current law applies only to victims who suffer from mental incapacity.

*Patron - Murphy*

**HB2193 Throwing or depositing certain substances on the highway; grass.** Adds grass to the list of substances a person shall not throw or deposit or cause to be deposited upon any highway so as to create a hazard to the traveling public.

*Patron - Robinson*

**HB2235 Protective orders; issuance upon convictions for certain felonies; penalty.** 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.

*Patron - Bourne*

**HB2244 Possession or transportation of firearms following convictions for certain misdemeanor crimes; restoration of rights; penalty.** Prohibits a person who has been convicted of assault and battery when the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color, or national origin from 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 crimes may petition the circuit court for a reinstatement of his right to possess or transport a firearm.

*Patron - Sullivan*

**HB2285 Allowing access to firearms by minors; penalty.** 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.

*Patron - Hayes*

**HB2299 Commercial sex trafficking, prostitution, etc.; penalties.** Increases from a Class 4 felony to a Class 3 felony the penalties for the following crimes if a minor is not involved: (i) human trafficking; (ii) receiving money or other valuable thing for or on account of causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography; (iii) receiving any money or other valuable thing from the earnings of any male or female engaged in prostitution; and (iv) commercial sex trafficking through the use of force, intimidation, or deception. The bill also increases from a Class 3 felony to a Class 2 felony the penalties for the following crimes if a minor is involved: (a) human trafficking; (b) receiving money or other valuable thing for or on account of causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography; (c) receiving any money or other valuable thing from the earnings of any male or female engaged in prostitution; and (d) commercial sex trafficking.

*Patron - McGuire*

**HB2302 Charitable gaming; special permit for the play of electronic versions of instant bingo, pull tabs, or seal cards on certain premises.** Creates a special permit that shall be granted to a qualified organization that has already received a general permit for the conduct of charitable gaming from the Department of Agriculture and Consumer Services to allow such organization to place Department-approved electronic versions of instant bingo, pull tabs, or seal cards on the licensed premises of an entity licensed to sell alcoholic beverages for on-premises consumption with the consent of such licensee. The bill also exempts qualified organizations that are

granted such a special permit from certain requirements relating to (i) limits on the number of organizations for which a person may manage, operate, or conduct charitable games; (ii) prohibitions on providing compensation or any other remuneration to persons for organizing, managing, or conducting charitable games; or (iii) the use of proceeds derived from the conduct of charitable games, as those requirements relate to the management, operation, or conduct of charitable games pursuant to such special permit.

*Patron - Collins*

**HB2307 Killing or injuring police animals; penalty.** Requires a mandatory minimum term of imprisonment of six months for any person who maliciously kills or injures an animal owned, used, or trained by a law-enforcement agency, regional jail, or the Department of Corrections while such animal is performing its lawful duties or is being kept in a kennel, pen, or stable while off duty. The bill also provides that such punishment shall be separate and apart from, and shall be made to run consecutively with, any other sentence.

*Patron - Fowler*

**HB2370 Possession and consumption of marijuana; penalty.** Decriminalizes simple marijuana possession and provides a civil penalty of 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. But the bill provides that any person who knowingly or intentionally smokes, consumes, or otherwise ingests marijuana in a public place or 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 punished as 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.

*Patron - Herring*

**HB2371 Marijuana; legalization of simple marijuana possession; penalty.** 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.

*Patron - Heretick*

**HB2379 Charitable gaming; regulations of the Charitable Gaming Board; prohibited acts.** Removes provisions specifying the amount of bingo prize money and raffle

prize money that an organization qualified to conduct charitable gaming in the Commonwealth may award and instead directs the Charitable Gaming Board (the Board) to promulgate regulations prescribing (i) limits on the amount and types of prizes, jackpots, or merchandise that may be awarded by a qualified organization for any charitable game and (ii) the conditions under which an organization qualified to conduct bingo games may permit the play of electronic versions of instant bingo, pull tabs, or seal cards approved by the Department of Agriculture and Consumer Services when bingo is not in play. Under current law, instant bingo, pull tabs, or seal cards may be played only (a) as a part of regular bingo games or (b) by members or guests of the qualified charitable organization.

*Patron - Heretick*

**HB2399 Transfer of firearms; criminal history record check delay; penalty.** Increases from the end of the next business day to within five business days the time in which State Police must advise a dealer if its records indicate that a firearms buyer or transferee is prohibited from possessing or transporting a firearm and the time after which a dealer may complete the sale or transfer without a response from the State Police. The bill removes the option in current law that a dealer may immediately complete the sale or transfer if he is advised by the State Police that a response will not be available within the required timeframe.

*Patron - Lopez*

**HB2412 Use of electronic tracking devices; consent of fleet vehicle operator.** Requires the owner of fleet vehicles to obtain consent of the vehicle operator before installing or placing an electronic device on the fleet vehicle to track it.

*Patron - Adams, L.R.*

**HB2470 Prostitution and human trafficking related crimes; minors; penalty.** Increases from a Class 3 felony to a Class 2 felony and imposes a mandatory minimum term of imprisonment of 25 years for the following crimes if minors under 15 years of age are involved: (i) pandering; (ii) receiving money for procuring a person for the purpose of prostitution, forced labor, or child pornography; (iii) receiving money from the earnings of a person engaged in prostitution; and (iv) commercial sex trafficking.

*Patron - Gilbert*

**HB2472 Hate crimes; gender, disability, gender identity, or sexual orientation; penalty.** Adds gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police and provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, and sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, disability, gender identity, or sexual orientation.

*Patron - Plum*

**HB2479 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 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.

*Patron - Plum*

**HB2491 Abortion; eliminate certain requirements.** Eliminates the requirement that an abortion in the second trimester of pregnancy and prior to the third trimester be performed in a hospital. The bill eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a woman's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a woman's informed written consent be first obtained. The bill eliminates the requirement that two other physicians certify that a third trimester abortion is necessary to prevent the woman's death or impairment of her mental or physical health, as well as the need to find that any such impairment to the woman's health would be substantial and irreparable. The bill also removes language classifying facilities that perform five or more first-trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals.

*Patron - Tran*

**HB2492 Prohibition of sale, transfer, etc., of certain firearms magazines and firearms; penalties.** Prohibits any person from importing, selling, bartering, or transferring a firearms magazine designed to hold more than 10 rounds of ammunition. A violation is a Class 1 misdemeanor. The bill 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 and also to assault firearms. The bill redefines "assault firearm" by reducing the number of rounds of ammunition that a firearms magazine will hold in order to be defined as an "assault firearm" from more than 20 to more than 10 and prohibits any person from knowingly and intentionally possessing or transporting any assault firearm or from knowingly and intentionally carrying about his person, hidden from common observation, an assault firearm. The bill prohibits a dealer from selling, renting, trading, or transferring from his inventory such an assault firearm to any person.

*Patron - Tran*

**HB2504 Protective orders; possession of firearms; penalties.** 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. This penalty 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. The bill requires that any person who is prohibited from possessing a firearm because he is subject to a permanent protective order certify in writing to the clerk of the court that issued the order within 48 hours after being served with the order that any firearm in his possession has been sold or transferred. The bill provides that failure to file such certification is a Class 1 misdemeanor.

*Patron - Murphy*

**HB2523 Abduction of minor for the purpose of prostitution; penalty.** Provides that the use of force, intimidation, or deception is not an element of the crime of abducting a minor for the purpose of concubinage or prostitution, a crime punishable as a Class 2 felony. The bill also expands the class of minors who may be the victim of such crime from minors under 16 years of age to minors under 18 years of age.

*Patron - Campbell, R.R.*

**HB2584 Assault and battery against a family or household member; enhanced penalty.** Reduces from two prior convictions to one prior conviction the required number of prior convictions of assault and battery against a family or household member before the Class 6 felony applies.

*Patron - Gilbert*

**HB2592 Petit larceny defined; how punished.** Provides that a person convicted of petit larceny, which is punishable as a Class 1 misdemeanor, shall be subject to a mandatory minimum term of confinement of 10 days in jail if the item stolen is a parcel delivered to a residence.

*Patron - McGuire*

**HB2604 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.

*Patron - Ward*

**HB2619 Threats of death or bodily harm on school property; penalty.** Includes orally communicated threats of death or bodily harm on school property as conduct subject to the enhanced penalty of a Class 6 felony. Under current law, only such threats communicated in writing are subject to the enhanced penalty, and such threats made orally to an employee of an elementary, middle, or secondary school are punishable as a Class 1 misdemeanor.

*Patron - Miyares*

**HB2644 Marijuana; decriminalization of simple marijuana possession; penalty.** 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.

*Patron - Kory*

**HB2657 Threats of death or bodily injury to a person or member of his family by telephone or wireless communication device; penalty.** Provides that any person who communicates a threat over any telephone or wireless communications device to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 6 felony. The bill also provides that any person convicted of communicating threats (i) of death or bodily injury to a person or member of his family or (ii) to commit serious bodily harm to persons on school property may be ordered by the court to make restitution as the court deems appropriate to any person who has suffered a loss as a result of the offense.

*Patron - Fariss*

**HB2684 Hate crimes; gender, gender identity, or sexual orientation; penalty.** Adds gender, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police and provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, gender identity, or sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, gender identity, or sexual orientation.

*Patron - Turpin*

**HB2707 Virginia Charitable Gaming Board; conduct of charitable gaming.** Requires the Virginia Charitable Gaming Board to conduct an annual evaluation of the conduct of charitable gaming operations in Virginia. The bill also removes restrictions regarding the number of calendar days that charitable gaming may be conducted at buildings owned by nonprofit entities and raises from two to four the number of days that such gaming may be conducted in buildings owned by other entities. Currently, gaming is limited to four calendar days per week for buildings owned by nonprofit entities and two calendar days for buildings owned by other entities. The bill also (i) removes the limit of 55 bingo games per session, (ii) increases the number of electronic pull tabs that may be placed in the social quarters of a qualified organization from

nine, as currently provided by Board regulations, to 50, and (iii) authorizes a qualified organization to pay members up to \$50 per session.

*Patron - Davis*

**HB2753 Prohibited solicitation; penalty.** Provides that no seller or person acting for him shall make or attempt to make a home solicitation sale (i) to any person on property where he knows or reasonably should know that such person resides in a dwelling unit at which a no soliciting sign is posted at a place where it may be reasonably seen or (ii) to any person who has informed such seller or person acting for him that he does not wish to receive a home solicitation. A violation of this provision is punishable as a Class 1 misdemeanor.

*Patron - Watts*

**HB2794 Refusal of tests; restricted license.** Allows a person convicted of a first offense of unreasonable refusal to have samples of his breath taken for chemical tests to determine the alcohol content of his blood to petition the court 30 days after conviction for a restricted driver's license. The court may, for good cause shown, grant such restricted license for the same purposes as allowed for restricted licenses granted after conviction of driving under the influence, if the person installs an ignition interlock system on each motor vehicle owned by or registered to the person and enters into and successfully completes an alcohol safety action program.

*Patron - Lindsey*

**HB2797 Handgun and assault firearm transfers; criminal history record checks; age requirement; penalty.** Provides that to purchase a handgun or an assault firearm from a licensed firearm dealer, a person must (i) be age 21 or older, (ii) have attained age 18 by July 1, 2019, or (iii) be 18, 19, or 20 and have received a high school diploma, have passed a high school equivalency examination approved by the Board of Education, or be a member of the Armed Forces of the United States or the National Guard of the Commonwealth or any other state and must consent in writing to have the dealer obtain criminal history record information. The bill also redefines "assault firearm" as the term applies to firearm transfers by licensed firearm dealers by reducing from more than 20 to more than 10 the number of rounds of ammunition that a firearms magazine for such firearm will hold in order to be defined as an "assault firearm."

*Patron - Filler-Corn*

**SB997 Marijuana; decriminalization of simple marijuana possession; penalty.** 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.

*Patron - Ebbin*

**SB1008 Mechanical devices designed to increase the rate of fire of firearms; penalty.** Prohibits the manufacture, import, sale or offer to sell, possession, transfer, or transportation of a trigger activator, which includes a trigger crank or bump-fire device, that is designed to increase the rate of fire of a semiautomatic rifle but does not convert the semiauto-

matic rifle into a machine gun. A violation is punishable as a Class 1 misdemeanor for a first or second offense and a Class 6 felony for a third or subsequent offense of this or certain other firearms offenses.

*Patron - Ebbin*

**SB1012 Carrying a concealed handgun; firefighters and emergency medical services providers.** Provides that any firefighter or person employed as emergency medical services personnel may carry a concealed handgun while engaged in the performance of his official duties, provided that such firefighter or person employed as emergency medical services personnel has been approved to carry a concealed handgun by his fire chief or emergency medical services chief. The bill requires the Department of Criminal Justice Services, in consultation with the Office of Emergency Medical Services of the Department of Health and the Department of Fire Programs, to develop a model policy regarding carrying a concealed handgun for firefighters and emergency medical services personnel.

*Patron - Chase*

**SB1024 Carrying dangerous weapon to place of religious worship.** Repeals the statutory prohibition on carrying a gun, pistol, bowie knife, dagger, or other dangerous weapon, without good and sufficient reason, to a place of worship while a meeting for religious purposes is being held at such place.

*Patron - Black*

**SB1033 Body-worn camera; release of recordings; penalty.** Provides a procedure for a defendant to request the inspection and the copying or photographing of any body-worn camera recordings that are within the possession, custody, or control of the Commonwealth. The bill provides that the Commonwealth may designate any body-worn camera recording subject to disclosure as Counsel Only Material and that any unlawful reproduction or dissemination of such designated recordings is punishable as a Class 1 misdemeanor. The bill provides a retention schedule for such recordings and provides that such recordings shall not be considered a public record for the purpose of the Virginia Public Records Act (§ 42.1-76 et seq.). The bill requires all such requests for body-worn camera recordings to comply with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

*Patron - Stanley*

**SB1034 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.

*Patron - Locke*

**SB1054 Ultrasound prior to abortion.** Removes the requirement that a woman undergo a fetal transabdominal ultrasound prior to an abortion.

*Patron - Locke*

**SB1078 Protective orders; possession of firearms; penalty.** 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.

*Patron - Howell*

**SB1096 Allowing access to firearms by minors; penalty.** Provides that any person who 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. The bill contains technical amendments.

*Patron - Howell*

**SB1107 Disorderly conduct in public places; school activities.** 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.

*Patron - McClellan*

**SB1123 Threats of death or bodily injury to a person or member of his family by telephone or wireless communication device; penalty.** Provides that any person who communicates a threat over any telephone or wireless communications device to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 6 felony. The bill also provides that any person convicted of communicating threats (i) of death or bodily injury to a person or member of his family or (ii) to commit serious bodily harm to persons on school property may be ordered by the court to make restitution as the court deems appropriate to any person who has suffered a loss as a result of the offense.

*Patron - Peake*

**SB1137 Death penalty; severe mental illness.** Provides that a defendant in a capital case who had a severe mental illness, as defined in the bill, at the time of the offense is not eligible for the death penalty. The bill establishes procedures for determining whether a defendant had a severe mental illness at the time of the offense and provides for the appointment of expert evaluators. The bill provides that when the defendant's severe mental illness is at issue, a determination will be made by the jury or by the judge in a bench trial as part of the sentencing proceeding, and the defendant bears the burden of proving his severe mental illness by a preponderance of the evidence. The bill also provides that in the event the defendant fails to provide notice that he will offer testimony by an expert witness at such sentencing proceeding, the court may either allow the Commonwealth a continuance or, where the defendant is unable to show good cause for untimely notice, bar the defendant from presenting such evidence.

*Patron - Favola*

**SB1151 Aggravated sexual battery by false representation or subterfuge; penalty.** Provides that any person who sexually abuses another person by false representation or

subterfuge that is part of a massage, medical procedure, or physical therapy is guilty of aggravated sexual battery if such abuse is alleged by (i) more than one complaining witness within a two-year period or (ii) one complaining witness on more than one occasion and in the case of clause (i) or clause (ii) is intentional and without the consent of the complaining witness. The bill also eliminates the provision that sexual battery can be accomplished by ruse.

*Patron - DeSteph*

**SB1157 Trespass; service of process; immunity.** Provides immunity from criminal trespass to any person authorized to serve process while such person is engaged in the lawful service of process.

*Patron - Black*

**SB1158 Concealed handgun permits.** Allows any person who is otherwise eligible to obtain a resident concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth.

*Patron - Black*

**SB1162 Firearm transfers; criminal history record information checks; age requirement; penalty.** Provides that a person must be age 21 or older, or must have attained age 18 by July 1, 2019, 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 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 when the firearm is property of such estate or trust; (iv) at firearms shows in accordance with law; (v) that occur under a voluntary gun buyback 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 and (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.

*Patron - Saslaw*

**SB1163 Trigger activators designed to increase the rate of fire of firearms; prohibition; penalty.** Prohibits the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of a trigger activator, which includes a trigger crank or bump-fire device, that is designed to increase the rate of fire of a semiautomatic rifle but does not convert the semiautomatic rifle into a machine gun. A violation is punishable as a Class 6 felony.

*Patron - Saslaw*

**SB1164 Firearm transfers; criminal history record information checks; penalty.** 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 sells the firearm to another person 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 tes-

tamentary trust; (iv) at firearms shows in accordance with law; (v) that are part of a buyback 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.

*Patron - Saslaw*

**SB1187 Gambling; definition of gambling device.** Provides that any gaming device including skill as a component for successful play while providing a random prize amount to a winning player is deemed a gambling device.

*Patron - Lucas*

**SB1210 Paramilitary activities; penalty.** 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 or explosive or incendiary device or any components or combination thereof. Such unlawful paramilitary activity is punishable as a Class 5 felony.

*Patron - Lucas*

**SB1230 Family or household member; definition.** Adds to the existing definition of "family or household member" the person's aunt, aunt-in-law, step-aunt, uncle, uncle-in-law, step-uncle, niece, nephew, and first and second cousin who reside in the same home as the person, and any individual who is in, or has been in, a dating relationship with the person. The definition is used for purposes of statutes related to assault and battery against a family or household member, stalking a family or household member, protective orders, and the recruitment of persons for criminal street gangs. Technical changes are made to change descriptions of family relationships to gender-neutral terms.

*Patron - Ebbin*

**SB1310 Driver's license suspensions for certain non-driving related offenses.** Removes the existing provisions that a person's driver's license is suspended (i) when he is convicted of or placed on deferred disposition for a drug offense or (ii) for nonpayment of fines and court costs for offenses not pertaining to the operator or operation of a motor vehicle. The provisions of this bill that affect the Code of Virginia have a delayed effective date of September 1, 2019. This bill was incorporated into SB 1013.

*Patron - Edwards*

**SB1324 Reporting lost or stolen firearms; civil penalty.** Requires a person who lawfully possesses a firearm to 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 (NCIC). A violation is punishable by a civil penalty of \$50 for a first offense and not less than \$100 or more than \$250 for any subsequent offense. 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.

*Patron - McClellan*

**SB1375** **Hate crimes; gender, disability, gender identity, or sexual orientation; penalty.** Adds gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police and provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, or sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, disability, gender identity, or sexual orientation.

*Patron - Favola*

**SB1399** **Corporal punishment of a child with an object; penalty.** Provides that any parent, guardian, or other person responsible for the care of a child under 18 years of age who uses an object to subject a child to corporal punishment, as defined in the bill, is guilty of a Class 4 misdemeanor. The bill also provides that a defendant not previously convicted of corporal punishment of a child with an object may have his charge deferred to enter a treatment program. The charge may be dismissed upon successful completion of the treatment program.

*Patron - Petersen*

**SB1446** **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.

*Patron - Locke*

**SB1451** **Abortion; eliminate certain requirements.** Eliminates the requirement that an abortion in the second trimester of pregnancy and prior to the third trimester be performed in a hospital. The bill eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a woman's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a woman's informed written consent be first obtained. The bill eliminates the requirement that two other physicians certify that a third trimester abortion is necessary to prevent the woman's death or impairment of her mental or physical health, as well as the need to find that any such impairment to the woman's health would be substantial and irremediable. The bill also removes language classifying facilities that perform five or more first-trimester abortions per

month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals.

*Patron - McClellan*

**SB1454** **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 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.

*Patron - Lucas*

**SB1458** **Firearms; removal from persons posing substantial risk; penalties.** 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 warrant to remove firearms from such person. An emergency substantial risk warrant 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 person is subject to the order resides 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, 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.

*Patron - Barker*

**SB1466** **Unattended children in motor vehicles; penalty.** Provides that any person responsible for the care of a child who leaves an unattended child in a motor vehicle where

(i) the child's health, safety, and well-being are at risk or (ii) the vehicle's engine is on or running is guilty of a Class 1 misdemeanor. The bill authorizes any law-enforcement officer who observes or is alerted to the existence of an unattended child to use whatever means are reasonably necessary to protect the child and defines "unattended child" as a child four years of age or younger who has been left in a motor vehicle by the person responsible for his care when such person is unable to continuously observe the child, unless a person 12 years of age or older is physically present in the motor vehicle with the child.

*Patron - Vogel*

**SB1467 Protective orders; possession of firearms; surrender or transfer of firearms; penalties.** 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, sell or transfer any firearm possessed by such person to a dealer, or sell or transfer any firearm possessed by such person to any person who is not otherwise prohibited by law from possessing such firearm, provided that such person will not allow the person subject to a protective order to exert any influence or control over the sold or transferred firearm, or (ii) certify in writing that such person does not possess any firearms 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 within 48 hours after surrendering or selling or transferring all firearms, such person must certify in writing that all firearms possessed by such person have either been surrendered or sold or transferred and file such certification with the clerk of the court that entered the protective order. The bill also provides that any person subject to a protective order who fails to certify in writing that all firearms possessed by such person have either been surrendered or 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 provides that any person who buys or has a firearm transferred to him from a person subject to a permanent protective order and allows the person subject to a protective order to exert any influence or control over the sold or transferred firearm is guilty of a Class 1 misdemeanor.

*Patron - Saslaw*

**SB1482 Prohibition on carrying of certain firearms in public places; County of Albemarle and City of Charlottesville; penalty.** Adds the County of Albemarle and the City of Charlottesville to the list of localities in which it is unlawful for a person to carry certain firearms in public places.

*Patron - Deeds*

**SB1504 Assault and battery of federal law-enforcement officers; penalty.** Adds to the definition of law-enforcement officer for purposes of the crime of assault and battery any special agent or law-enforcement officer of the United States Department of Justice, National Marine Fisheries Service of the Department of Commerce, Department of the Treasury, Department of Agriculture, Department of Defense, Department of State, Office of the Inspector General of the Department of Transportation, Department of Homeland Security, and Department of the Interior; any inspector, law-enforcement official, or police personnel of the United States Postal Service; any United States marshal or deputy United States marshal whose duties involve the enforcement of the criminal laws of the United States; any criminal investigator of

the United States Department of Labor; any special agent of the Naval Criminal Investigative Service; and any special agent of the National Aeronautics and Space Administration. Assault and battery against a law-enforcement officer engaged in the performance of his public duties is currently a Class 6 felony with a six-month mandatory minimum sentence.

*Patron - Carrico*

**SB1508 Obstruction of justice; concealing evidence of an abduction; penalty.** Makes it a Class 1 misdemeanor for any person with actual knowledge of the commission by another of any felony offense to knowingly and willfully make any materially false statement or representation to a law-enforcement officer regarding the location or whereabouts of such other person with the intent to delay, impede, obstruct, prevent, or hinder the investigation, apprehension, prosecution, conviction, or punishment of any person regarding such offense when such other person is named in an active felony warrant of arrest under the laws of the Commonwealth or of any other state, the District of Columbia, or the United States or any territory. The bill also makes it a Class 5 felony for any person with actual knowledge of (i) a person enticing a child to enter any vehicle, room, house, or other place for purposes of taking indecent liberties with such child or (ii) an abduction of a child under 16 for prostitution or to manufacture child pornography to willfully conceal, alter, dismember, or destroy any item of physical evidence or knowingly and willfully make any materially false statement or representation to a law-enforcement officer with the intent to delay, impede, obstruct, prevent, or hinder the investigation, apprehension, prosecution, conviction, or punishment of any person regarding such offenses.

*Patron - Carrico*

**SB1527 Virginia Charitable Gaming Board; conduct of charitable gaming.** Requires the Virginia Charitable Gaming Board to conduct an annual evaluation of the conduct of charitable gaming operations in Virginia. The bill also removes restrictions regarding the number of calendar days that charitable gaming may be conducted at buildings owned by nonprofit entities and raises from two to four the number of days that such gaming may be conducted in buildings owned by other entities. The bill also (i) removes the limit of 55 bingo games per session, (ii) increases the number of electronic pull tabs that may be placed in the social quarters of a qualified organization from nine, as currently provided by Board regulations, to 50, and (iii) authorizes a qualified organization to pay individuals assisting in the conduct of charitable gaming up to \$50 per session.

*Patron - Sturtevant*

**SB1603 Human trafficking; prevention and awareness; offenses related to prostitution and human trafficking; penalties.** Provides that any person who commits an act of aiding prostitution or illicit sexual intercourse or using a vehicle to promote prostitution or unlawful sexual intercourse, when such act involves a minor, is guilty of a Class 6 felony. Under current law, such acts are punishable as a Class 1 misdemeanor. The bill adds these two new felony offenses to (i) the definition of "violent felony" for the purposes of sentencing guidelines, (ii) the definition of barrier crimes for the purposes of background checks for employees or volunteers providing care to children or the elderly or disabled, (iii) the definition of predicate criminal acts for street gangs, (iv) the definition of racketeering activity under the Virginia Racketeer Influence and Corrupt Organization Act, (v) the list of violations that a multi-jurisdiction grand jury is responsible for investigating, and (vi) the list of offenses requiring registration in the Sex Offender and Crimes Against Minors Registry. The bill includes touching the intimate parts

of another person with the intent to sexually arouse or gratify or allowing another person to touch one's own intimate parts with the intent to sexually arouse or gratify to the list of conduct that, when done for money or its equivalent, constitutes prostitution, which is punishable as a Class 1 misdemeanor or, when such act involves a minor, a Class 6 felony. The bill also provides that any person who receives money for procuring another person for the purpose of causing such person to touch the intimate parts of another person with the intent to sexually arouse or gratify is guilty of a Class 4 felony or, if such offense involves procuring a minor, a Class 3 felony. The bill also adds felony prostitution and felony human trafficking offenses involving a minor to the definition of "violent felony" for the purposes of sentencing guidelines and provides that each violation of commercial sex trafficking is a separate and distinct felony. The bill allows a court to order, upon application by the attorney for the Commonwealth or the defendant, that the testimony of (a) a child victim of an offense of commercial sex trafficking or prostitution, if such child is 14 years of age or younger at the time of the offense and 16 years of age or younger at the time of the trial, or (b) a child witness of such offense, if such child is 14 years of age or younger at the time of trial, be taken by two-way closed-circuit television.

The bill establishes the Virginia Prevention of Sex Trafficking Fund (the Fund) to be administered by the Department of Criminal Justice Services for the purpose of promoting awareness of and preventive training and education relating to sex trafficking. Any person convicted of a misdemeanor violation of prostitution, aiding prostitution, or using a vehicle to promote prostitution is required to pay a \$100 fee and any person convicted of certain felony violations related to prostitution and human trafficking is required to pay a \$500 fee, both of which are paid into the Fund. This bill is a recommendation of the Virginia State Crime Commission.

*Patron - Obenshain*

**SB1620 Violation of provisions of protective orders; entering the lands, buildings, or premises owned or leased by protected party prohibited; penalties.** Provides that any person subject to a protective order who enters the lands, buildings, or premises owned or leased by a protected party while the protected party is present, or enters and remains in or on the lands, buildings, or premises owned or leased by the protected party until the party arrives, is guilty of a Class 6 felony. Under current law, such person is guilty of a Class 6 felony only if he enters the home of the protected party while the protected party is present or enters and remains in the home of the protected party until such party arrives.

*Patron - Obenshain*

**SB1621 Assault and battery against a family or household member; enhanced penalty.** Reduces from two prior convictions to one prior conviction the required number of prior convictions of assault and battery against a family or household member before the Class 6 felony applies.

*Patron - Obenshain*

**SB1671 Charitable gaming; special permit for the play of electronic versions of instant bingo, pull tabs, or seal cards on certain premises.** Creates a special permit that shall be granted to a qualified organization that has already received a general permit for the conduct of charitable gaming from the Department of Agriculture and Consumer Services to allow such organization to place Department-approved electronic versions of instant bingo, pull tabs, or seal cards on the licensed premises of an entity licensed to sell alcoholic beverages for on-premises consumption with the consent of such licensee. The bill also exempts qualified organizations that are granted such a special permit from certain requirements relating to (i) limits on the number of organizations for which a per-

son may manage, operate, or conduct charitable games; (ii) prohibitions on providing compensation or any other remuneration to persons for organizing, managing, or conducting charitable games; or (iii) the use of proceeds derived from the conduct of charitable games, as those requirements relate to the management, operation, or conduct of charitable games pursuant to such special permit.

*Patron - McPike*

**SB1748 Prohibition of sale, transfer, etc., of certain firearms magazines and firearms; penalties.** Prohibits any person from importing, selling, bartering, or transferring a firearms magazine designed to hold more than 10 rounds of ammunition. A violation is a Class 1 misdemeanor. The bill 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 and also to assault firearms. The bill redefines "assault firearm" by reducing the number of rounds of ammunition that a firearms magazine will hold in order to be defined as an "assault firearm" from more than 20 to more than 10 and prohibits any person from knowingly and intentionally possessing or transporting any assault firearm or from knowingly and intentionally carrying about his person, hidden from common observation, an assault firearm. The bill prohibits a dealer from selling, renting, trading, or transferring from his inventory such an assault firearm to any person.

*Patron - Ebbin*

## Criminal Procedure

### Passed

**HB1673 Preliminary protective orders; full hearing date; court closure.** Provides that if a court is lawfully closed and such closure prevents the full hearing for a preliminary protective order from being held within 15 days of the issuance of the preliminary order, the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

*Patron - Mullin*

**HB1751 Forgery; venue.** Provides that, in addition to the current forgery venue provisions, forgery may be prosecuted in any county or city where an issuer, acquirer, or account holder sustained a financial loss as a result of the offense. This bill is identical to SB 1050.

*Patron - Leftwich*

**HB1833 Investigations and reports by probation officers; persons eligible for parole.** Allows a presentence report to be made available for review without a court order to incarcerated persons who are eligible for release by the Virginia Parole Board, or to such person's counsel.

*Patron - Tyler*

**HB1940 Child Pornography Registry; contents of Registry; criminal investigations; report.** Requires copies of all known or suspected child pornography found during the course of a criminal investigation of child pornography offenses to be included in the Child Pornography Registry (the Registry). Current law provides that only such images that are presented as evidence and used in a conviction for child pornography offenses are required to be included in the Registry. The bill also provides that Registry information may be used for victim identification. The bill requires the Department of

State Police, in consultation with the Office of the Attorney General, to submit a report detailing the implementation plan for changes to the Registry pursuant to the bill to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committee on Appropriations and Senate Committee on Finance by January 1, 2020. This bill is identical to SB 1379.

*Patron - Bell, Robert B.*

**HB2035 Dissemination of criminal history record information; Department of Medical Assistance Services; screening individuals.** Provides that home care organizations, hospices, behavioral health care providers, and community services boards may disclose to the Department of Medical Assistance Services information regarding (i) whether a criminal history background check has been performed on an employee or other person for whom a background check is required and (ii) whether the person is eligible for employment or to provide services.

*Patron - Price*

**HB2078 Forfeiture on recognizance; bail bondsman; suspension of license.** Provides that if a forfeited recognizance is not paid within 150 days, the license of any bail bondsman on the bond shall be suspended by the Department of Criminal Justice Services (the Department) until the forfeiture is satisfied. The bill further provides that the court will then give notice to any employer of the bail bondsman on the bond to pay the forfeited recognizance within 10 business days. If such forfeited recognizance is not paid at the end of 10 business days, the bill provides that the Department shall suspend the licenses of such employer of the bail bondsman and agents thereof until the forfeited recognizance is satisfied.

*Patron - Bell, Richard P.*

**HB2080 Physical evidence recovery kit tracking system.** Provides that the Department of Forensic Science (Department) shall maintain a statewide electronic tracking system for physical evidence recovery kits where such kits will be assigned a unique identification number to track each kit from its distribution as an uncollected kit to the health care provider through to its destruction. The bill provides that the Department shall provide access to the tracking system to health care providers, law-enforcement agencies, the Division of Consolidated Laboratory Services, and the Office of the Chief Medical Examiner. The bill also provides that a health care provider shall inform the victim of sexual assault of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider during the forensic medical examination and provide the victim with information regarding the physical evidence recovery kit tracking system. The bill provides that records entered into the physical evidence recovery kit tracking system are confidential and are not subject to disclosure under the Freedom of Information Act. The bill has a delayed effective date of July 1, 2020.

*Patron - Watts*

**HB2278 Expungement of police and court records; absolute pardon.** Provides for the automatic expungement of the police and court records relating to a person's conviction if he has been granted an absolute pardon for a crime that he did not commit. Under current law, the person granted the absolute pardon must petition the court for an order of expungement. The bill requires the Secretary of the Commonwealth to forward a copy of any absolute pardon to the circuit court where the person was convicted of the crime for which the absolute pardon was granted.

*Patron - Cole*

**HB2320 Resetting bail, bond, and recognizance determinations; jurisdiction.** Provides that any motion to alter the terms and conditions of bail where the initial bail decision is made by a judge or clerk of a district court or by a magistrate on any charge originally pending in that district court shall be filed in that district court unless (i) a bail decision is on appeal, (ii) such charge has been transferred to a circuit court, or (iii) such charge has been certified by a district court. The bill also provides that a bail decision of a higher court from an appeal of a lower court's bail decision shall be remanded to the lower court in which the case is pending for enforcement and modification of bail. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

*Patron - VanValkenburg*

**HB2343 Reports to Central Criminal Record Exchange; duties and authority of the Central Criminal Records Exchange; unapplied criminal history record information.** Requires the Central Criminal Records Exchange (Exchange) to review offenses containing unapplied criminal history record information, defined in the bill, and make reasonable efforts to ensure that such information is applied to criminal history records. The bill requires the Exchange to submit periodic reports to the Office of the Executive Secretary of the Supreme Court of Virginia, the clerk of each circuit court and district court, attorneys for the Commonwealth, and law-enforcement agencies containing (i) a list of offenses with unapplied criminal history record information and (ii) for each offense, if known, the name and any other identifying information of the defendant, any identifying court case information, the date of submission to the Exchange, and the reason the offense could not be applied to the criminal history record. The bill also requires the Exchange to submit an annual report to the Governor and General Assembly on the status of unapplied criminal history record information and any updates to fingerprinting policies and procedures.

The bill also requires a law-enforcement officer to report the required information to the Central Criminal Records Exchanges for persons arrested on a *capias* for any allegation of a violation of the terms or conditions of a suspended sentence, probation, or parole for a felony offense. The bill also provides that for persons served with a show cause for any allegation of a violation of the terms or conditions of a suspended sentence, probation, or parole for a felony offense, a report to the Central Criminal Records Exchange is not required until such person is found to be in violation of the terms or conditions of a suspended sentence, probation, or parole. The bill authorizes the court to order that the fingerprints and photograph of such person served with a show cause and found to be in violation be taken by a law-enforcement officer.

The bill provides that for persons charged under the first offender domestic assault, first offender drug possession, or first offender property offense statute, the court shall verify that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person prior to discharging such person and dismissing the proceedings. The bill authorizes a court to order a law-enforcement officer to take the fingerprints and photograph of a person charged if the fingerprint identification information or fingerprints have not been provided to the clerk of court.

The bill provides that if a person is in custody for an offense for which a report to the Central Criminal Records Exchange is required when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall notify the court of such and the court shall order that the fingerprints and photograph of the

accused be taken by a law-enforcement officer or by the agency that has custody of the accused at the time of the first appearance by the accused.

The bill requires the Department of State Police to develop a model policy on the collection of fingerprints and reporting of criminal history record information to the Central Criminal Records Exchange and to disseminate such policy to all law-enforcement agencies within the Commonwealth.

The bill requires a judge, after convicting the defendant of any offense for which a report to the Central Criminal Records Exchange is required, to determine if a copy of such defendant's fingerprints or fingerprint identification information has been provided by a law-enforcement officer to the clerk of court. The bill provides that in any case in which fingerprints or fingerprint identification information has not been provided by a law-enforcement officer to the clerk of court, the judge shall require that fingerprints and photograph be taken by a law-enforcement officer as a condition of probation or of the suspension of the imposition or execution of any sentence.

The bill provides that any fingerprints, photographs, and records received by the Central Criminal Records Exchange from any correctional institution concerning an incarcerated person may be classified and filed as criminal history record information. The bill requires the Department of Corrections to submit photographs, fingerprints, and a description of each person who is under the custody of the Department to the Central Criminal Records Exchange if such person has been convicted of an offense for which a report to the Central Criminal Records Exchange is required.

The bill requires a state probation and parole officer and a local community-based probation officer, (a) at least 60 days prior to an offender's release from supervision pursuant to the terms of the sentencing order or (b) prior to submitting a request to the court that the offender be released from supervision, to review the criminal history record of the offender to verify that the offense for which the offender is being supervised appears on the offender's criminal history record, if such offense is required to be reported to the Central Criminal Records Exchange, and, if such offense does not appear on the offender's criminal history record, to take and provide the fingerprints and photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information. The Department of State Police shall develop a form for use by local community-based probation officers when ordering additional fingerprints of an offender.

The bill provides that at a restitution hearing the court shall review the criminal history record of a defendant and determine whether the defendant's conviction appears on such record. The bill provides that if such conviction does not appear on the defendant's criminal history record, the court shall order that the fingerprints and photograph of the defendant be taken by a law-enforcement officer. The bill requires such fingerprints and photograph to be submitted to the Central Criminal Records Exchange.

The bill provides that in any case where the court has suspended the imposition or execution of a sentence or placed the defendant on probation, the court, after a hearing and providing adequate notice to the parties, may modify the sentence or conditions of probation at any time within the period of suspension or supervision to require that the fingerprints and photograph of the defendant be taken as a condition of the suspended sentence or probation. The clerk of each circuit court shall make an electronic report to the Central Criminal Records Exchange of any finding that a person charged on a summons is in viola-

tion of the terms or conditions of a suspended sentence or probation for a felony offense.

The bill provides that for treason, any felony, any offense punishable as a misdemeanor under Title 54.1 (Professions and Occupations), or any misdemeanor punishable by jail, when any such offense is charged on a summons, the electronic report filed by the clerk of each circuit court and district court to the Central Criminal Records Exchange shall not be required until (1) a conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (2) the court dismisses the proceeding pursuant to the first offense statute; or (3) an acquittal by reason of insanity is entered.

The bill directs the Department of State Police to make reasonable efforts to ensure that criminal history record information that was reported to the Central Criminal Records Exchange prior to July 1, 2019, and not applied to the criminal history record of a person be applied to the criminal history record of that person. The bill requires the Department to report on the progress of these efforts to the Governor and the Chairman of the State Crime Commission by November 1, 2019.

The bill also adds various criminal offenses to the list of offenses for which a report to the Central Criminal Records Exchange is required. The reports contain such information as is required by the Exchange and are accompanied by fingerprints of the individual arrested.

This bill as introduced was a recommendation of the Virginia State Crime Commission and is identical to SB 1602.

*Patron - Bell, Robert B.*

**HB2413 Multi-jurisdiction grand jury; secrecy of information.** Provides that any person granted permission to make notes and to duplicate portions of the evidence given before the multi-jurisdiction grand jury shall maintain the secrecy of all information obtained from a review or duplication of the evidence presented to the multi-jurisdiction grand jury, except for disclosure as he deems necessary for use in a criminal investigation or proceeding. The bill also provides that after a person has been indicted by a grand jury, the attorney for the Commonwealth shall notify such person that the multi-jurisdiction grand jury was used to obtain evidence for a prosecution. As introduced, the bill was a recommendation of the Virginia Criminal Justice Conference.

*Patron - Adams, L.R.*

**HB2439 DNA analysis; conviction of certain crimes or similar ordinance of a locality.** Adds persons convicted of a violation of a local ordinance that is similar to certain crimes listed under current law to the list of persons from whom a blood, saliva, or tissue sample shall be taken for DNA analysis to determine identification characteristics specific to the person. As introduced, this bill was a recommendation of the Virginia State Crime Commission.

*Patron - Campbell, R.R.*

**HB2453 Bail and recognizances; magistrate's checklist; surety's basis for request for *capias*.** Requires a magistrate who conducts a bail hearing for a person arrested on a warrant or *capias* for a jailable offense to describe, on a form provided by the Executive Secretary of the Supreme Court, the information considered in conducting such hearing, including (i) the nature and circumstances of the offense, (ii) whether a firearm was used in the offense, (iii) the financial resources of the accused, (iv) the character and appearance of the accused, and (v) the criminal history of the accused. The bill requires such magistrate to transmit such completed form to the circuit

court or district before which the warrant or *capias* is returnable. The bill also requires a surety on a bond in recognizance to state the basis for which a *capias* is being requested from the court on the surety's application for the *capias*. As introduced, the bill was a recommendation of the Virginia State Crime Commission.

*Patron - Adams, L.R.*

**HB2648 Crime victim rights; notice of release of defendant found unrestorably incompetent or acquitted by reason of insanity.** Provides that, upon the request of the victim of a crime, the Commissioner of Behavioral Health or his designee shall notify the victim of the release of a defendant who was found to be unrestorably incompetent or who was acquitted by reason of insanity and committed to inpatient hospitalization.

*Patron - Orrock*

**HB2659 Bail bondsman; surrender of principal; deposit.** Requires a bail bondsman on a bond in a recognizance who surrenders his principal for any reason other than a summons to show cause issued by the court for which the defendant is to appear to deposit with the clerk or magistrate the greater of 10 percent of the amount of the bond or \$50 at the time of the application for a *capias*. The bill allows the bondsman to petition the court within 15 days to show cause as to why the bondsman is entitled to the amount deposited. If the court finds that there was sufficient cause to surrender the principal, the court shall return the deposited funds to the bondsman. If the court finds that surrender of the principal was unreasonable, the court shall return the deposited funds to the principal.

*Patron - Collins*

**HB2746 Central Criminal Records Exchange; background checks through Live Scan device.** Requires the Department of State Police (the Department) to accept requests for background checks through the use of a Live Scan device certified by the Federal Bureau of Investigation by any agency or organization located within the Commonwealth that (i) is a business or organization that provides care to children or the elderly or disabled and is authorized to receive criminal history record information and (ii) utilizes a fingerprint background check as a condition of licensure, certification, employment, or volunteer service. The bill states that any such agency or organization transmitting requests for background checks to the Department shall be responsible for all costs associated with capturing, formatting, encrypting, and transmitting all required information in a manner prescribed by the Department. The bill provides that the Department shall only provide the criminal history record information to the extent authorized by state or federal law, rules, and regulations and that the Department may deny any such agency or organization access to criminal history record information if the Department finds that such agency or organization has failed to comply with state or federal law, rules, or regulations.

*Patron - Head*

**HB2773 Criminal Injuries Compensation Fund; amount of award.** Removes the current \$600 limit placed on the amount that may be awarded to a crime victim for total loss of earnings resulting from incapacity. The bill also increases from \$5,000 to \$10,000 the maximum amount a claimant may be awarded from the Criminal Injuries Compensation Fund for expenses directly related to funeral or burial costs and increases from \$25,000 to \$35,000 the maximum aggregate award received by a claimant as a result of an injury or death.

*Patron - Bell, Robert B.*

**SB1050 Forgery; venue.** Provides that, in addition to the current forgery venue provisions, forgery may be prosecuted in any county or city where an issuer, acquirer, or account holder sustained a financial loss as a result of the offense. This bill is identical to HB 1751.

*Patron - Cosgrove*

**SB1150 Issuance of warrants by magistrates.** 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. This bill was vetoed by the Governor.

*Patron - DeSteph*

**SB1166 Clerks of court; collection of DNA sample for certain offenses; disclosure of tax information; Torrens system.** Provides that a blood, saliva, or tissue sample shall be taken for any person convicted of a violation of a local ordinance that is similar to a misdemeanor for which a blood, saliva, or tissue sample is currently required to be taken. The bill also states that the prohibition for certain state and local officials from divulging tax information is not applicable to the disclosure of information contained in an estate's probate tax return to a commissioner of accounts making a settlement of accounts filed in such estate. Finally, the bill repeals the provision of law establishing the Torrens system, which provided for the settlement, registration, transfer, and assurance of titles to land and established courts of land registration.

*Patron - Chafin*

**SB1231 Incompetent defendants; capital murder.** Provides that when a defendant charged with capital murder is determined to be unrestorably incompetent, the court may order that the defendant receive continued treatment to restore competency provided that hearings be held at yearly intervals for five years and at biennial intervals thereafter, or at any time that the director of the treating facility or his designee submits a competency report to the court that the defendant's competency has been restored. Under current law, hearings are held every six months for an incompetent defendant receiving treatment to restore competency. The bill also provides that no unrestorably incompetent defendant charged with capital murder shall be released except pursuant to a court order.

*Patron - Ebbin*

**SB1379 Child Pornography Registry; contents of Registry; criminal investigations; report.** Requires copies of all known or suspected child pornography found during the course of a criminal investigation of child pornography offenses to be included in the Child Pornography Registry (the Registry). Current law provides that only such images that are presented as evidence and used in a conviction for child pornography offenses are required to be included in the Registry. The bill also provides that Registry information may be used for victim identification. The bill requires the Department of State Police, in consultation with the Office of the Attorney General, to submit a report detailing the implementation plan for changes to the Registry pursuant to the bill to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committee on Appropriations and Senate Commit-

tee on Finance by January 1, 2020. This bill is identical to HB 1940.

*Patron - McDougle*

**SB1507 Use of unmanned aircraft systems by law-enforcement officers; persons sought for arrest.** Provides that a law-enforcement officer may deploy an unmanned aircraft system (i) to aerially survey a primary residence of the subject of the arrest warrant to formulate a plan to execute an existing arrest warrant or *capias* for a felony offense or (ii) to locate a person sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer remains in hot pursuit of such person.

*Patron - Carrico*

**SB1529 Reports to Central Criminal Records Exchange; additional offenses.** Adds several criminal offenses to the list of offenses for which a report to the Central Criminal Records Exchange is required. The reports contain such information as is required by the Exchange and are accompanied by fingerprints of the individual arrested. The bill as introduced was a recommendation of the Virginia State Crime Commission.

*Patron - Chafin*

**SB1602 Reports to Central Criminal Record Exchange; duties and authority of the Central Criminal Records Exchange; unapplied criminal history record information.** Requires the Central Criminal Records Exchange (Exchange) to review offenses containing unapplied criminal history record information, defined in the bill, and make reasonable efforts to ensure that such information is applied to criminal history records. The bill requires the Exchange to submit periodic reports to the Office of the Executive Secretary of the Supreme Court of Virginia, the clerk of each circuit court and district court, attorneys for the Commonwealth, and law-enforcement agencies containing (i) a list of offenses with unapplied criminal history record information and (ii) for each offense, if known, the name and any other identifying information of the defendant, any identifying court case information, the date of submission to the Exchange, and the reason the offense could not be applied to the criminal history record. The bill also requires the Exchange to submit an annual report to the Governor and General Assembly on the status of unapplied criminal history record information and any updates to fingerprinting policies and procedures.

The bill also requires a law-enforcement officer to report the required information to the Central Criminal Records Exchanges for persons arrested on a *capias* for any allegation of a violation of the terms or conditions of a suspended sentence, probation, or parole for a felony offense. The bill also provides that for persons served with a show cause for any allegation of a violation of the terms or conditions of a suspended sentence, probation, or parole for a felony offense, a report to the Central Criminal Records Exchange is not required until such person is found to be in violation of the terms or conditions of a suspended sentence, probation, or parole. The bill authorizes the court to order that the fingerprints and photograph of such person served with a show cause and found to be in violation be taken by a law-enforcement officer.

The bill provides that for persons charged under the first offender domestic assault, first offender drug possession, or first offender property offense statute, the court shall verify that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person prior to discharging such person and dismissing the proceedings. The bill authorizes a court to order a law-enforcement officer to take the fingerprints and photograph of a person charged if

the fingerprint identification information or fingerprints have not been provided to the clerk of court.

The bill provides that if a person is in custody for an offense for which a report to the Central Criminal Records Exchange is required when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall notify the court of such and the court shall order that the fingerprints and photograph of the accused be taken by a law-enforcement officer or by the agency that has custody of the accused at the time of the first appearance by the accused.

The bill requires the Department of State Police to develop a model policy on the collection of fingerprints and reporting of criminal history record information to the Central Criminal Records Exchange and to disseminate such policy to all law-enforcement agencies within the Commonwealth.

The bill requires a judge, after convicting the defendant of any offense for which a report to the Central Criminal Records Exchange is required, to determine if a copy of such defendant's fingerprints or fingerprint identification information has been provided by a law-enforcement officer to the clerk of court. The bill provides that in any case in which fingerprints or fingerprint identification information has not been provided by a law-enforcement officer to the clerk of court, the judge shall require that fingerprints and photograph be taken by a law-enforcement officer as a condition of probation or of the suspension of the imposition or execution of any sentence.

The bill provides that any fingerprints, photographs, and records received by the Central Criminal Records Exchange from any correctional institution concerning an incarcerated person may be classified and filed as criminal history record information. The bill requires the Department of Corrections to submit photographs, fingerprints, and a description of each person who is under the custody of the Department to the Central Criminal Records Exchange if such person has been convicted of an offense for which a report to the Central Criminal Records Exchange is required.

The bill requires a state probation and parole officer and a local community-based probation officer, (a) at least 60 days prior to an offender's release from supervision pursuant to the terms of the sentencing order or (b) prior to submitting a request to the court that the offender be released from supervision, to review the criminal history record of the offender to verify that the offense for which the offender is being supervised appears on the offender's criminal history record, if such offense is required to be reported to the Central Criminal Records Exchange, and, if such offense does not appear on the offender's criminal history record, to take and provide the fingerprints and photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the criminal history record information. The Department of State Police shall develop a form for use by local community-based probation officers when ordering additional fingerprints of an offender.

The bill provides that at a restitution hearing the court shall review the criminal history record of a defendant and determine whether the defendant's conviction appears on such record. The bill provides that if such conviction does not appear on the defendant's criminal history record, the court shall order that the fingerprints and photograph of the defendant be taken by a law-enforcement officer. The bill requires such fingerprints and photograph to be submitted to the Central Criminal Records Exchange.

The bill provides that in any case where the court has suspended the imposition or execution of a sentence or placed the defendant on probation, the court, after a hearing and providing adequate notice to the parties, may modify the sentence or conditions of probation at any time within the period of suspension or supervision to require that the fingerprints and photograph of the defendant be taken as a condition of the suspended sentence or probation. The clerk of each circuit court shall make an electronic report to the Central Criminal Records Exchange of any finding that a person charged on a summons is in violation of the terms or conditions of a suspended sentence or probation for a felony offense.

The bill provides that for treason, any felony, any offense punishable as a misdemeanor under Title 54.1 (Professions and Occupations), or any misdemeanor punishable by jail, when any such offense is charged on a summons, the electronic report filed by the clerk of each circuit court and district court to the Central Criminal Records Exchange shall not be required until (1) a conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (2) the court dismisses the proceeding pursuant to the first offense statute; or (3) an acquittal by reason of insanity is entered.

The bill directs the Department of State Police to make reasonable efforts to ensure that criminal history record information that was reported to the Central Criminal Records Exchange prior to July 1, 2019, and not applied to the criminal history record of a person be applied to the criminal history record of that person. The bill requires the Department to report on the progress of these efforts to the Governor and the Chairman of the State Crime Commission by November 1, 2019.

This bill as introduced was a recommendation of the Virginia State Crime Commission and is identical to HB 2343.

*Patron - Obenshain*

## Failed

**HB1665 Court-established community service programs; community service work in lieu of payment of fine or costs.** Requires 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 before or after imprisonment. Under current law, providing this option is discretionary.

*Patron - Hayes*

**HB1684 Waiver of extradition; bail.** Requires a judge to revoke the bail of any person who waives extradition proceedings in writing and remand such person to custody to await transfer to the demanding state.

*Patron - Miyares*

**HB1758 Adoption by stepparent; background check.** Removes, effective July 1, 2019, the ability of a prospective adoptive parent, who is a spouse of a birth parent or parent by adoption and who has filed a petition for adoption, to request the Department of State Police to conduct a national criminal background check of such prospective adoptive parent. Under current law, this provision is set to expire July 1, 2020. The bill also removes the condition that a prospective adoptive parent provide the court with a national background check of such person, but continues to require a court to consider such report.

*Patron - Collins*

**HB1782 Court-established community service programs; community service work in lieu of payment of fine or costs.** Requires 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 before or after imprisonment. Under current law, providing this option is discretionary.

*Patron - Jones, J.C.*

**HB1799 Interest on fines and costs in criminal cases and traffic infractions.** 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, 2019, shall cease to accrue interest on July 1, 2019, 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.

*Patron - Heretick*

**HB1861 Expungement of police and court records; misdemeanor and nonviolent felony convictions.** Allows a person convicted of a misdemeanor or nonviolent felony to file a petition requesting expungement of the police and court records relating to the conviction if such person has (i) been free from any term of incarceration, probation, and post-release supervision imposed as a result of such conviction for at least eight years, (ii) no prior or subsequent convictions other than traffic infractions, and (iii) no pending criminal proceeding.

*Patron - McQuinn*

**HB1903 Dissemination of criminal history record information; limitations.** Limits the criminal history information that the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, may provide to a requesting employer or prospective employer to convictions occurring within seven years prior to the request, except for any information related to a felony act of violence or a barrier crime.

*Patron - Head*

**HB2040 Background checks; persons providing care for elderly or disabled.** Allows any person who provides or seeks to provide unsupervised care or assistance to an elderly or disabled person to request a national fingerprint criminal background check on himself at his cost.

*Patron - McGuire*

**HB2096 Forfeiture of property used in connection with the commission of crimes; finding of guilt required.** Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner has not submitted a written demand for the return of the property within 21 days from the date the stay terminates.

*Patron - Freitas*

**HB2121 Bail; data collection and reporting standards; report.** Requires the Department of Criminal Justice Services to (i) collect data relating to bail determinations for

any person who is held in custody pending trial or hearing for an offense, civil or criminal contempt or otherwise, in every locality; (ii) create a uniform reporting mechanism for criminal justice agencies to submit such data; and (iii) submit an annual report on the data collected to the Governor and the General Assembly, as well as publish the annual report on the Department's website. The bill also provides that the law addressing bail is to be construed so as to give effect to a general presumption in favor of pretrial release.

*Patron - Carroll Foy*

**HB2136 Evidence; accident reconstruction; criminal cases.** Provides that in any criminal case, an accident reconstruction expert, when properly qualified, may testify as an expert witness in a court of law subject to the Rules of Supreme Court.

*Patron - Thomas*

**HB2227 Multi-jurisdiction grand jury; hate crimes.** Adds the following to the list of crimes that a multi-jurisdiction grand jury may investigate: (i) simple assault or assault and battery where the victim was intentionally selected because of his race, religious conviction, color, or national origin; (ii) entering the property of another for purposes of damaging such property or its contents or interfering with the rights of the owner, user, or occupant where such property was intentionally selected because of the race, religious conviction, color, or national origin of the owner, user, or occupant; and (iii) various offenses that tend to cause violence. The bill contains technical amendments.

*Patron - Bagby*

**HB2267 Hospitals; drawing of certain blood samples.** Directs the Board of Health to amend regulations governing hospitals to require each hospital to which funds are appropriated in any general appropriation act to collect blood samples from patients who are unwilling or unable to provide consent to the collection of such samples when such samples are required by a valid search warrant.

*Patron - Poindexter*

**HB2268 Federal equitable sharing funds received by state agencies.** Provides that any federal equitable sharing funds, as defined in the bill, received by a state agency shall be deposited into the general fund. The bill also provides that such funds may be appropriated for any purpose in a manner consistent with federal law.

*Patron - Poindexter*

**HB2392 Inquiry and report of immigration status; persons charged with or convicted of certain crimes; certain victims or witnesses of crimes.** 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. The bill prohibits officers or agents of any state or local law-enforcement agency from inquiring into the immi-

gration status of a person who is (a) a victim of a crime, (b) a parent or guardian of a minor victim of a crime, (c) a person who is a cooperating witness in the investigation of a crime, or (d) the parent or guardian of a minor witness to a crime.

*Patron - Lopez*

**HB2417 Emergency protective order; required conditions; petition to dissolve or modify.** Requires any emergency protective order to prohibit (i) the respondent from committing acts of family abuse or criminal offenses that result in injury to person or property and (ii) such contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person, including prohibiting the respondent from being in the physical presence of the allegedly abused person or family or household members of the allegedly abused person, as the judge or magistrate deems necessary to protect the safety of such persons. Under current law, a judge or magistrate must only impose one or more of such prohibitions when issuing an emergency protective order. Other conditions that may be imposed under current law remain under the discretion of the judge or magistrate. The bill also allows the petitioner of an emergency protective order to file a motion with the court requesting a hearing to dissolve or modify the order.

*Patron - Herring*

**HB2428 Preliminary protective orders; hearing by two-way electronic video and audio communication.** Gives discretion to a court to allow a petitioner granted a preliminary protective order to appear by two-way electronic video and audio communication for a full hearing on the protective order if such petitioner is physically incapable of appearing at the hearing.

*Patron - Levine*

**HB2448 Admission to bail; expiration and extension of recognizance; notice to bail bondsman and surety company.** Limits any recognizance entered into by a bail bondsman to three years from the date such recognizance was executed, unless the court or the attorney for the Commonwealth for the jurisdiction from which the recognizance was taken provides written notice to the bail bondsman and any surety company that guarantees the bond in such recognizance that the recognizance is being extended for an additional period of time not to exceed three years.

*Patron - Wilt*

**HB2454 Support person for minor victim; presence in courtroom.** Requires a court to permit an adult chosen by a minor victim in a criminal case to be present in the courtroom during any proceedings in addition to or in lieu of the minor's parent or guardian. Under current law, a court has discretionary authority to permit such person to be present during any proceedings.

*Patron - Filler-Corn*

**HB2512 Expungement of certain charges and convictions.** 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 satisfied; and five years have elapsed since the date of completion of all terms of sentencing and probation.

*Patron - Hugo*

**HB2525 Misdemeanor sexual offenses where the victim is a minor; statute of limitations.** Increases the statute of limitations for prosecuting misdemeanor violations where the victim is a minor from one year after the victim reaches the

age of majority to five years after the victim reaches the age of majority for the following misdemeanor violations: carnal knowledge of offender by employee of bail bond company, sexual battery, attempted sexual battery, infected sexual battery, sexual abuse of a child age 13 or 14 by an adult, and tongue penetration by adult of mouth of child under age 13 with lascivious intent.

*Patron - Tran*

**HB2552 Unmanned aircraft systems; delayed notice of search warrant when deployed.** Provides that within 10 days after an unmanned aircraft system is used during the execution of a search warrant, a copy of the executed search warrant shall be served on the person who was the subject of the search warrant and the person whose property was the subject of the search warrant. The bill provides that upon request, and for good cause shown, the circuit court may grant one or more extensions for such service for a period not to exceed 30 days each.

*Patron - Brewer*

**HB2627 Voir dire examination of persons called as jurors; criminal case.** Allows the court and counsel for either party in a criminal case to (i) ask potential jurors any relevant question to ascertain whether the juror can sit impartially in either the guilt or sentencing phase of the case and (ii) inform any potential juror as to the potential range of punishments to ascertain if the person or juror can sit impartially in the sentencing phase of the case.

*Patron - Lindsey*

**HB2695 Crime victim rights; definition of victim.** Expands the definition of "victim," for purposes of the Crime Victim and Witness Rights Act (§ 19.2-11.01 et seq.), to include (i) a person who has suffered physical, psychological, or economic harm as a direct result of the commission of identity theft, brandishing a firearm, indecent liberties by children, indecent exposure, using profane or threatening language over the telephone, or a delinquent act that would be one of such misdemeanor offenses if committed by an adult; (ii) a spouse or child of such a person; (iii) a parent or legal guardian of such a person who is a minor; (iv) a current or former foster parent or other person who has or has had physical custody of such a person who is a minor, for six months or more or for the majority of the minor's life; or (v) a spouse, parent, sibling, or legal guardian of such a person who is physically or mentally incapacitated.

*Patron - Levine*

**HB2715 Department of Taxation; responsibility for the collection and satisfaction of all fines, costs, forfeitures, penalties and restitution.** Transfers responsibility for the collection and satisfaction of all fines, costs, forfeitures, penalties, and restitution to the Department of Taxation.

*Patron - Rush*

**HB2727 Inmates; local correctional facilities; community service work in lieu of payment for fines and court costs.** Requires 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. The bill provides that if such person is incarcerated in a local correctional facility or regional jail facility, such person may perform community service work during his period of confinement as authorized by the court. Under current law, providing this option is discretionary and credits may be earned only before or after imprisonment.

*Patron - Hayes*

**HB2778 Petition for vacatur and expungement of convictions and police and court records of human trafficking victims.** Allows any person who was a human trafficking victim 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.

*Patron - Herring*

**SB1037 Expungement of certain offenses.** 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, fines, and restitution have been paid; 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.

*Patron - Peake*

**SB1052 Body-worn camera; release of recordings; penalty.** Provides a procedure for a defendant to request the inspection and the copying or photographing of any body-worn camera recordings that are within the possession, custody, or control of the Commonwealth. The bill provides that the Commonwealth may designate any body-worn camera recording subject to disclosure as Counsel Only Material and that any unlawful reproduction or dissemination of such designated recordings is punishable as a Class 1 misdemeanor. The bill provides a retention schedule for such recordings and provides that such recordings shall not be considered a public record for the purpose of the Virginia Public Records Act (§ 42.1-76 et seq.). The bill requires all such requests for body-worn camera recordings to comply with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

*Patron - Chase*

**SB1066 Post-conviction relief; previously admitted scientific evidence.** Provides that a person who was convicted of certain offenses, upon a plea of not guilty or an Alford plea, or who was adjudicated delinquent, upon a plea of not guilty or an Alford plea, by a circuit court of an offense that would be a covered offense if committed by an adult may petition the Court of Appeals to have his conviction vacated. The petition shall allege (i) the covered offense for which the petitioner was convicted or adjudicated delinquent; (ii) that the petitioner did not commit the covered offense for which the petitioner was convicted or adjudicated delinquent, nor engage in conduct that would support a conviction for a lesser offense or any other crime arising from, or reasonably connected to, the facts supporting the indictment or information upon which he was convicted or adjudicated delinquent; (iii) an exact description of the forensic scientific evidence and its relevance in demonstrating that the petitioner did not commit the covered offense; (iv) specific facts indicating that relevant forensic scientific evidence was not available or could not have been obtained in the exercise of diligence before the expiration of 21 days following entry of the final order of conviction or adjudication of delinquency, or that discredited forensic scientific evidence was admitted at the petitioner's trial or adjudication of delinquency; and (v) that the admission of the discredited

forensic scientific evidence or the absence of the newly available forensic scientific evidence was not harmless. The bill provides that if the court finds by clear and convincing evidence that the admission of the discredited forensic scientific evidence or the absence of the newly available forensic scientific evidence was not harmless, the court may grant the petition and vacate the petitioner's conviction, subject to retrial in the discretion of the Commonwealth. The bill has a delayed effective date of July 1, 2020, and an expiration date of July 1, 2024. The provisions of the bill are contingent upon funding in a general appropriation act.

*Patron - Stanley*

**SB1076 Admissibility of prior inconsistent statements in a criminal case.** Provides that in all criminal cases, evidence of a prior statement that is inconsistent with testimony at the hearing or trial is admissible if the testifying witness is subject to cross-examination and the prior statement (i) was made by the witness under oath at a trial, hearing, or other proceeding or (ii) narrates, describes, or explains an event or condition of which the witness had personal knowledge and (a) the statement is proved to have been written or signed by the witness; (b) the witness acknowledges, under oath, the making of the statement in his testimony at the hearing or trial in which the admission into evidence of the prior statement is being sought; or (c) the statement is proved to have been accurately recorded by use of an audio recorder, a video/audio recorder, or any other similar electronic means of sound recording.

*Patron - Howell*

**SB1092 Preliminary protective orders; hearing dates.** Allows the full hearing resulting from the issuance of a preliminary protective order to be heard on the same hearing or trial date as a related criminal offense if such hearing or trial date has already been set for a date later than 15 days after the issuance of the preliminary protective order. Current law requires that a full hearing be held within 15 days of the issuance of a preliminary protective order in every instance.

*Patron - Favola*

**SB1136 Preliminary protective orders; hearing by two-way electronic video and audio communication.** Gives discretion to a court to allow a petitioner granted a preliminary protective order to appear by two-way electronic video and audio communication for a full hearing on the protective order if such petitioner is physically incapable of appearing at the hearing.

*Patron - Favola*

**SB1380 Expungement of certain charges and convictions.** 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.

*Patron - McDougle*

**SB1417 Competency report; unrestorably incompetent defendant.** Provides that in cases where a defendant's competency is primarily compromised due to an ongoing and irreversible medical condition and prior medical or educational records are available to support the diagnosis, a competency report may recommend that the court find the defendant unrestorably incompetent to stand trial, and the court may pro-

ceed with the disposition of the case based on such recommendation. Under current law, the defendant is required to undergo treatment to restore his competency before the court can find a defendant unrestorably incompetent to stand trial.

*Patron - Mason*

**SB1484 Limitation of prosecutions; misdemeanor sex offenses against minors.** Extends the statute of limitations period for prosecuting certain misdemeanor sex offenses where the victim is a minor at the time of the offense to 20 years after the victim reaches majority. Current law provides that such offenses must be prosecuted within a year after the victim reaches majority.

*Patron - Deeds*

**SB1514 Department of Taxation; responsibility for the collection and satisfaction of all fines, costs, forfeitures, penalties, and restitution.** Transfers from the attorney for the Commonwealth to the Department of Taxation the duty to cause proper proceedings to be instituted for the collection and satisfaction of all fines, costs, forfeitures, penalties, and restitution.

*Patron - Carrico*

**SB1687 Bail; data collection and reporting standards; report.** Requires the Department of Criminal Justice Services to (i) collect data relating to bail determinations for any person who is held in custody pending trial or hearing for an offense, civil or criminal contempt or otherwise, in every locality; (ii) create a uniform reporting mechanism for criminal justice agencies to submit such data; and (iii) submit an annual report on the data collected to the Governor and the General Assembly, as well as publish the annual report on the Department's website. The bill also provides that the law addressing bail is to be construed so as to give effect to a general presumption in favor of pretrial release.

*Patron - McClellan*

**SB1710 Community work in lieu of payment of fines and court costs; authority of the court.** Clarifies that a court shall oversee a program allowing community service in lieu of payment of fines and court costs, including the monitoring of credit earned toward the discharge of such fine or costs for a period of up to 10 years.

*Patron - Carrico*

## Domestic Relations

### Passed

**HB1945 No-fault divorce; waiver of service.** Clarifies that in the case of a no-fault divorce, waivers of service of process may occur within a reasonable time prior to or after the suit is filed, provided that a copy of the complaint is attached to such waiver, or otherwise provided to the defendant, and the final decree of divorce as proposed by the complainant is signed by the defendant. Where a defendant has waived service of process and, where applicable, notice, the bill further permits depositions to be taken, affidavits to be given, and all papers related to the divorce proceeding to be filed contemporaneously. This bill is identical to SB 1541.

*Patron - Campbell, J.L.*

**HB1979 Assisted conception.** Amends the assisted conception statute to provide gender-neutral terminology. The bill allows an unmarried individual to be an intended parent, paralleling the ability of an unmarried individual to adopt

under the adoption statutes. The bill further allows for the use of an embryo subject to the legal or contractual custody of an intended parent in a surrogacy arrangement. The bill contains technical amendments.

*Patron - Sullivan*

**HB1988 Military retirement benefits; marital share.** Requires that the determination of military retirement benefits in a divorce be made in accordance with the federal Uniformed Services Former Spouses' Protection Act (10 U.S.C. 1408 et seq.).

*Patron - Toscano*

**HB2317 Custody and visitation orders; exchange of child.** Provides that in custody and visitation cases, at the request of either party, the court may order that the exchange of a child take place at an appropriate meeting place.

*Patron - Aird*

**HB2542 Temporary delegation of parental or legal custodial powers; child-placing agency.** Allows a parent or legal custodian of a minor to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a period not exceeding 180 days. The bill provides that a parent or legal custodian who is a service member, as defined in the bill, may delegate such powers for a period of longer than 180 days while on active duty service, but specifies that such a period is not to exceed such active duty service plus 30 days. The bill provides that any such power of attorney shall be signed by all persons with authority to make decisions concerning the child, the person to whom powers are delegated under the power of attorney, and a representative of a licensed child-placing agency that assists parents and legal guardians with the process of delegating parental and legal custodial powers of their children. The bill specifies that such licensed child-placing agency will be subject to background checks and must develop and implement written policies for certain services and provide staff and provider training. The bill further requires that any person to whom any such powers are delegated shall comply with background check requirements established by regulations of the Board of Social Services or otherwise provided by law.

*Patron - Byron*

**SB1541 No-fault divorce; waiver of service.** Clarifies that in the case of a no-fault divorce, waivers of service of process may occur within a reasonable time prior to or after the suit is filed, provided that a copy of the complaint is attached to such waiver, or otherwise provided to the defendant, and the final decree of divorce as proposed by the complainant is signed by the defendant. Where a defendant has waived service of process and, where applicable, notice, the bill further permits depositions to be taken, affidavits to be given, and all papers related to the divorce proceeding to be filed contemporaneously. This bill is identical to HB 1945.

*Patron - Surovell*

## Failed

**HB1701 Gender-neutral terms; assisted conception; prohibitions on same-sex marriage and civil unions; certain gender-specific crimes; penalty.** Replaces the terms "husband" and "wife" as well as related terms with gender neutral terms throughout the Code to comport with the United States Supreme Court decision in Obergefell v. Hodges, 576 U.S. \_\_\_ (June 26, 2015). The bill makes the relevant law regarding children born as a result of assisted conception applicable to both same-sex and opposite-sex married couples. The bill also repeals the statutory prohibitions on same-sex

marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage, and makes conforming changes to various laws involving married individuals and their rights stemming from marriage.

Further, the bill makes applicable to all persons, regardless of the gender of the victim, the crimes of (i) assisting or aiding in the abduction of or threatening to abduct a female under 16 years of age for the purpose of concubinage or prostitution, (ii) placing or leaving one's wife in a bawdy place, and (iii) defaming the chaste character of a female. The bill provides that a defendant placed on probation may be ordered to provide support for the defendant's spouse; currently, the law only provides for support of a defendant's wife. The bill also amends various criminal and criminal procedure laws to make them applicable to both same-sex and opposite-sex married couples. Finally, the bill repeals the crime of adultery.

*Patron - Simon*

**HB2074 Custody and visitation arrangements; presumption of equal time.** Provides that there shall be a presumption that both parents be awarded equal time with a child subject to a custody and visitation order to the greatest extent practicable. The bill further provides that there shall be a presumption that both parents shall share equally in the responsibilities of raising their children.

*Patron - Bell, John J.*

**HB2127 Best interests of a child; frequent and continuing contact with each parent.** Provides that, while considering the best interests of a child for the purposes of determining custody or visitation arrangements, the court shall, when appropriate, assure frequent and continuing contact with each parent.

*Patron - Davis*

**SB1007 Same-sex marriages; civil unions.** Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in Obergefell v. Hodges, 576 U.S. \_\_\_ (June 26, 2015). The bill incorporates SB 1306.

*Patron - Ebbin*

**SB1019 Referral to mediation in child custody, visitation, and support cases; appropriate cases.** Requires a court, in assessing whether a case regarding child custody, visitation, or support is appropriate for referral to mediation, to consider whether such case can be heard by the court within 120 days of the filing of an initial petition. The bill provides that if a case cannot be heard by the court within 120 days and is otherwise deemed appropriate for referral, such case shall be referred.

*Patron - Marsden*

**SB1288 Child support; incarceration; voluntary unemployment or under-employment.** Provides that a party's incarceration shall not be deemed voluntary unemployment or voluntary under-employment for the purposes of establishing child support.

*Patron - Edwards*

**SB1306 Same-sex marriages; civil unions.** Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in Obergefell v. Hodges, 576

U.S. \_\_\_\_ (June 26, 2015). The bill was incorporated into SB 1007.

*Patron - Edwards*

**FSB1539 Withholding of income for child support; independent contractors.** Clarifies that income earned by an independent contractor may be withheld by court order for payment of child support obligations.

*Patron - Surovell*

**FSB1544 Assisted conception; parentage presumption.** Makes the relevant law regarding children born as a result of assisted conception applicable to both same-sex and opposite-sex married couples. The bill also provides that a person is presumed to be the parent of a child if such person is married to the mother at the time of the child's birth or was married to the mother within 300 days of the child's birth.

*Patron - Surovell*

**FSB1757 Custody and visitation arrangements; best interests of the child; child abuse.** Requires the court to consider child abuse, in addition to family abuse and sexual abuse in current law, when determining the best interests of the child for the purposes of custody and visitation arrangements.

*Patron - Surovell*

**FSB1776 Grounds for divorce; cruelty, abuse, desertion, or abandonment; waiting period.** Eliminates the one-year waiting period for being decreed a divorce on the grounds of cruelty, reasonable apprehension of bodily hurt, or willful desertion or abandonment by either party.

*Patron - Saslaw*

## Education

### Passed

**P HB1623 Military families; relocation to the Commonwealth; student registration.** Permits any student whose service member parent is relocated to the Commonwealth pursuant to orders received to register for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division in which such student will reside at the same time and in the same manner as students who reside in the local school division. This bill is identical to SB 1249.

*Patron - Cole*

**P HB1652 School calendar; opening day of the school year.** Requires each local school board to set the school calendar so that the first day students are required to attend school is no earlier than 14 days before Labor Day unless the Board of Education waives such requirement for good cause. Under current law, each local school board is required to set the school calendar so that the first day students are required to attend school is after Labor Day unless the Board of Education waives such requirement for good cause. The bill provides that in each school division in which the school board sets the school calendar so that the first day students are required to attend school is before Labor Day, such school board shall close each school in the school division from the Friday immediately preceding Labor Day through Labor Day. The bill exempts from certain requirements certain school boards that were previously granted good cause waivers by the Board of Education. This bill is identical to SB 1005.

*Patron - Robinson*

**P HB1720 Possession or distribution of cannabidiol oil or THC-A oil; public schools.** Provides that no school nurse employed by a local school board, person employed by a local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board, or other person employed by or contracted with a local school board to deliver health-related services shall be prosecuted for possession or distribution of cannabidiol oil or THC-A oil for storing, dispensing, or administering cannabidiol oil or THC-A oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil. The bill also provides that the Department of Health Professions, in coordination with the Department of Education, shall develop and make available to school boards a standardized form that is to be completed by the practitioner who issues a written certification and a pharmaceutical processor that dispenses the cannabidiol oil or THC-A oil to a student. The bill also provides that no school board shall be required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner for the possession or use of such oil in accordance with the student's individualized health plan and in compliance with a policy adopted by the school board. This bill is identical to SB 1632.

*Patron - Hurst*

**P HB1725 Public school building security enhancements; compliance with Uniform Statewide Building Code and Statewide Fire Prevention Code.** Requires each school board, in consultation with the local building official and the state or local fire marshal, to develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code and Statewide Fire Prevention Code.

*Patron - Knight*

**P HB1729 School counselors; nomenclature; staff time.** Changes the name of guidance counselors to school counselors and requires each school counselor employed by a school board in a public elementary or secondary school to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students.

*Patron - Landes*

**P HB1732 School safety procedures; emergency situations; annual training.** Requires each school board to develop training on safety procedures in the event of an emergency situation on school property. The bill requires such training to be delivered to each student and employee in each school at least once each school year. This bill is identical to SB 1215.

*Patron - O'Quinn*

**P HB1733 School boards; local law-enforcement agencies; memorandums of understanding.** Requires (i) the Virginia Center for School and Campus Safety to develop a model memorandum of understanding and (ii) the school board in each school division in which the local law-enforcement agency employs school resource officers to enter into a memorandum of understanding with such local law-enforcement agency that is based on such model and sets forth the powers and duties of the school resource officers. The bill requires each such school board and local law-enforcement agency to review and amend or affirm the memorandum at least once every five years or at any time upon the request of either party. This bill is identical to SB 1214.

*Patron - Gilbert*

**HB1734** **Virginia Center for School and Campus Safety; threat assessment; case management tool.** Requires the Virginia Center for School and Campus Safety to develop a case management tool for use by public elementary and secondary school threat assessment teams and requires such threat assessment teams to use such tool to collect and report to the Center quantitative data on its activities. This bill is identical to SB 1213.

*Patron - Marshall*

**HB1737** **Development and review of school crisis, emergency management, and medical emergency response plans; include certain first responders.** Requires each school board to include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development and review of school crisis, emergency management, and medical emergency response plans. Under current law, the school board is required to provide copies of such plans to the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, and the emergency management official of the locality but is not required to include such first responders in the development and review of such plans. This bill is identical to SB 1220.

*Patron - Wright*

**HB1738** **School buildings; plans to be reviewed by an individual or entity experienced in crime prevention through environmental design.** Requires the plans and specifications for new or remodeled public school building construction to be reviewed by an individual or entity with professional expertise in crime prevention through environmental design. All comments by such reviewer shall be submitted to the Superintendent of Public Instruction along with the final plans and specifications.

*Patron - Rush*

**HB1753** **School buildings; electronic room partitions.** Prohibits school employees from opening or closing an electronic room partition in any school building except under certain limited circumstances. The bill requires any annual safety review or exercise for school employees in a local school division to include information and demonstrations, as appropriate, regarding the operation of such partitions. The bill also requires the Department of Education to make available to each school board model safety guidance regarding the operation of such partitions.

*Patron - Sickles*

**HB1788** **Virginia Public Records Act; implementation in local school divisions; recommendations.** Requires the Public School Records Consortium and the Records Oversight Committee to confer with school boards and division superintendents and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2019, recommendations on ways in which school boards and school board employees can better promote efficiency and cost-effectiveness in the implementation of the Virginia Public Records Act.

*Patron - Ransone*

**HB1807** **State share for basic aid; duration of certain agreements.** Provides that certain cost-savings agreements between school divisions will remain in effect until terminated by the school divisions. Under current law, such

agreements are valid for a period of 15 years. This bill is identical to SB 1771.

*Patron - Bell, Richard P.*

**HB1868** **Virginia Index of Performance incentive program; Exemplar School Recognition Program.** Renames the Virginia Index of Performance (VIP) incentive program as the Exemplar School Recognition Program (the Program) and makes several changes to the Program to align it with recent changes made by the Board of Education (the Board) to the Standards of Accreditation, including requiring the Board to design the Program to recognize and reward (i) schools that exceed Board-established requirements or show continuous improvement on academic and school quality indicators and (ii) schools, school divisions, and school boards that implement effective, innovative practices that are aligned with the Commonwealth's goals for public education.

*Patron - Hurst*

**HB1881** **Public schools; instruction on the risks of certain nicotine products.** Requires the Virginia Foundation for Healthy Youth to develop and the Department of Education to distribute to each local school division educational materials concerning the health and safety risks of using tobacco products, nicotine vapor products, and alternative nicotine products. The bill requires instruction concerning the health and safety risks of using such products be provided in each public elementary and secondary school in the Commonwealth, consistent with such educational materials.

*Patron - Keam*

**HB1930** **Concussions in student-athletes; guidelines, policies, and procedures.** Requires (i) the Board of Education to collaborate with various stakeholders to biennially update its guidelines on policies to inform and educate coaches, student-athletes, and student-athletes' parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, risks of not reporting the injury and continuing to play, and the effects of concussions on student-athletes' academic performance and (ii) each local school division to biennially update its policies and procedures regarding the identification and handling of suspected concussions in student-athletes.

*Patron - Bell, Richard P.*

**HB1985** **Alternative education programs; data.** Requires the Department of Education to annually collect from each school board and publish on its website various enrollment and achievement data on alternative education programs for students who have been suspended, expelled, or otherwise precluded from attendance at school. The bill requires such data to be published in a manner that protects the identities of individual students and disaggregated by local school division and by student race, ethnicity, gender, and disability. This bill is identical to SB 1298.

*Patron - Bell, Richard P.*

**HB1986** **Certain facilities in the Commonwealth; participation in educational programs.** Requires any person of school age who is admitted to the Commonwealth Center for Children and Adolescents to be permitted to participate in any education program offered in the facility that is administered by the Department of Education, regardless of his enrollment status, unless such person has been excused from attendance at school due to a bona fide religious training or belief. The bill permits information required to enroll such person in any such education program to be disclosed in accordance with state and federal law. This bill is identical to SB 1314.

*Patron - Bell, Richard P.*

**HB1997 Public elementary and secondary school students; protective orders; notification.** Requires any school principal who receives notice that a circuit court, general district court, juvenile and domestic relations court, or magistrate has issued a protective order for the protection of a child who is enrolled at a public elementary or secondary school where such principal is employed, or any other order prohibiting contact with such a child, including an order issued as a condition of pretrial or posttrial supervision, to subsequently notify certain school personnel that such order has been issued. The bill also requires the Board of Education to establish guidelines and develop model policies to aid school boards in the implementation of such notification.

*Patron - Price*

**HB2008 Department of Education; energy career cluster.** Requires the Department of Education, in consultation with representatives from pertinent industries such as renewable energy, natural gas, nuclear energy, coal, and oil, to establish an energy career cluster. The bill requires the Department of Education to base the knowledge and skill sets contained in such energy career cluster on the energy industry competency and credential models developed by the Center for Energy Workforce Development in partnership with the U.S. Department of Labor. The bill further requires the Department of Education to report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2019, on its progress toward establishing such energy career cluster. This bill is identical to SB 1348.

*Patron - Garrett*

**HB2018 Board of Education; Career and Technical Education Work-Based Learning Guide.** Requires the Board of Education to review and revise, in consultation with certain stakeholders and no later than December 1, 2019, its Career and Technical Education Work-Based Learning Guide to expand the opportunities available for students to earn credit for graduation through high-quality work-based learning experiences such as job shadowing, mentorships, internships, and externships. This bill is identical to SB 1434.

*Patron - Peace*

**HB2037 Teacher licensure; criteria; assessments.** Requires the Board of Education to issue a license to an individual seeking initial licensure who has not completed the professional assessments prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure. The bill removes the requirement that the Board of Education prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and establish a minimum passing score for such assessment. This bill is identical to SB 1397.

*Patron - Carroll Foy*

**HB2053 School boards; staffing ratios; guidance counselors.** Changes the name of guidance counselors to school counselors and requires school boards to employ school counselors in accordance with the following ratios: in elemen-

tary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; and in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof. Additionally, the bill provides that notwithstanding any act of the 2019 Regular Session of the General Assembly the ratio of school counselors to students shall be as provided for in the appropriation act. This bill received Governor's recommendations.

*Patron - McQuinn*

**HB2107 Public schools; parental review of certain anti-bullying and suicide prevention materials.** Requires local school boards to develop and implement policies that ensure parents the right to review any audio-visual materials that contain graphic sexual or violent content used in any anti-bullying or suicide prevention program. Such policies shall require that prior to using any such material, the parent of the child participating in such a program shall be provided written notice of his right to review the material and his right to excuse his child from participating in the part of such program utilizing such material.

*Patron - Ransone*

**HB2123 School boards; public institutions of higher education; College and Career Access Pathways Partnerships.** Permits each local school board to enter into College and Career Access Pathways Partnerships (Partnerships), currently referred to as agreements, with comprehensive community colleges or other public institutions of higher education or educational institutions that offer a career and technical education curriculum. The bill requires any such Partnership to (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program. Current law allows local school boards to enter into agreements with such institutions but does not specify course credit as being part of the agreements. The bill provides that participation by a student in any course pursuant to the Partnerships does not deem such student eligible for a grant pursuant to the New Economy Workforce Credential Grant Program.

*Patron - Carroll Foy*

**HB2124 Length of school term; waiver for evacuation.** Requires the Board of Education to waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from an evacuation directed and compelled by the Governor for up to five teaching days. The bill provides that there shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund or the amount paid by a local governing body. This bill is identical to SB 1269.

*Patron - Davis*

**HB2140 School calendar; opening of the school year; Planning District 16.** Authorizes the school board of any school division located in Planning District 16 that was not granted a good cause waiver for the 2018-2019 school year but would qualify for such a waiver under the law as it was in

effect prior to July 1, 2019, for the 2019-2020 school year to set the school calendar so that the first day students are required to attend is earlier than Labor Day, including earlier than 14 days before Labor Day. Additionally, the bill authorizes the school board of any school division located in Planning District 16 that is entirely surrounded by two school divisions that either were granted a waiver pursuant to Chapter 3 of the Acts of Assembly of 2012, Special Session I, or would qualify for a good cause waiver pursuant to § 22.1-79.1 as it was in effect prior to July 1, 2019, for the 2019-2020 school year to open schools on the same opening date as either such surrounding school division.

*Patron - Thomas*

**HB2147 Standards for Accreditation; review and corrective action.** Aligns the state review process of underperforming schools and school divisions with the new Standards for Accreditation adopted by the Board of Education (Board). The bill requires the Board to establish a review process to assist schools not meeting the standards established by the Board. The Board shall establish a corrective action plan process for any such school within its division, including a requirement that each school board submit a corrective action plan for any school in the local school division that does not meet the established standards. The bill requires a school board of a school division that does not demonstrate progress in developing or implementing such corrective action plan to enter into a memorandum of understanding with the Board. The bill also requires the school board of an underperforming school division to enter into a memorandum of understanding with the Board prior to developing a corrective action plan.

*Patron - Turpin*

**HB2192 Modernization of public school buildings and facilities.** Provides that it is the legislative intent that public school buildings and facilities be designed, constructed, maintained, and operated to generate more electricity than consumed, and allows local school boards to enter into leases with private entities to achieve that goal if the school board owns or operates a school building or facility that has been properly modernized, generates energy derived from sunlight, and if the solar generating facility is properly interconnected. The bill also provides that private entities that contract with local school boards to modernize public school buildings and facilities may receive financing from the Virginia Small Business Financing Authority. This bill is identical to SB 1331.

*Patron - Rush*

**HB2205 Family life education; consent.** Requires any high school family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the law and meaning of consent. Under current law, such elements are permissive in any high school family life education curriculum.

*Patron - Filler-Corn*

**HB2217 Department of Education; establishment of microcredential program.** Permits the Department of Education to establish a microcredential program for the purpose of permitting any public elementary or secondary school teacher who holds a renewable or provisional license or any individual who participates in any alternate route to licensure program to complete additional in-person or blended coursework and earn microcredentials in science, technology, engineering, and mathematics (STEM) endorsement areas, including computer science, for which there is a high need for additional qualified teachers. The bill requires the Department of Education to direct the Advisory Board on Teacher Education and Licensure to convene a workgroup including pertinent education stakeholders to determine how any microcredential

awarded pursuant to any such program will be used to award add-on endorsements and certifications for teachers in such STEM endorsement areas. The bill provides certain conditions in which in-person coursework in a microcredential program not contributing to an endorsement is eligible for professional development points towards the renewal of a teaching license. This bill is identical to SB 1419.

*Patron - Bourne*

**HB2297 Free public elementary and secondary education; eligibility criteria.** Requires every person of school age to be deemed to reside in a school division for the purpose of eligibility for free public elementary and secondary education in such school division when all or any portion of the building in which such person resides with certain other individuals or as an emancipated minor is taxable by the locality in which the school division is located. The bill provides that each student who resides on property that is located in more than one school division and who registers for enrollment at a public school in one such school division prior to July 1, 2019, and any sibling of any such student, is deemed to reside in the enrolled school division and is eligible to attend public school in such school division for free.

*Patron - Simon*

**HB2325 School board employees; discipline; written reprimand.** Requires the Board of Education to include, in its regulations that prescribe the requirements for the licensure of teachers and other school personnel required to hold a license, procedures for the a written reprimand of such license holders. The bill permits the Board of Education to issue written reprimand to any such license holder who knowingly and willfully commits a certain enumerated act relating to secure mandatory tests administered to students. The only express disciplinary actions that are permissible under current law in such a scenario are suspension or revocation of such individual's license. The bill also permits a school board or division superintendent to issue a written reprimand to a teacher who breaches his employment contract after the school board or division superintendent declines to grant such teacher's request for release from such contract on the grounds of insufficient or unjustifiable cause. The only express disciplinary action that is permissible under current law in such a scenario is revocation of such teacher's license.

*Patron - Thomas*

**HB2384 Public schools; tobacco products and nicotine vapor products.** Requires each school board to (i) develop and implement a policy to prohibit the use and distribution of tobacco products and nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity and (ii) include in its code of student conduct a prohibition against possessing tobacco products or nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity. Current law only places these requirements on each school board with regard to electronic cigarettes. The bill requires such policy to include adequate provisions for enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and referrals to resources to help staff and students overcome tobacco addiction. This bill is identical to SB 1295.

*Patron - Hope*

**HB2400 School boards; School Breakfast Program and National School Lunch Program; web-based application.** Requires each local school board that collects information to determine eligibility for participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture to

establish and post prominently on its website a web-based application for student participation in such program and to continue to provide a paper-based application. The bill permits any school board in establishing such an application to adopt the U.S. Department of Agriculture's Web-Based Prototype Application for Free and Reduced Price School Meals or to digitize its existing paper-based application.

*Patron - Roem*

**HB2486 Teacher licensure; reciprocity; alternate routes.** Requires the Board of Education, in its regulations providing for licensure by reciprocity, to grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation. The bill also requires the Board of Education to develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement.

*Patron - Robinson*

**HB2599 Use of seclusion and restraint in public schools.** Requires the Board of Education, in its regulations regarding the use of seclusion and restraint in public schools, to specifically identify and prohibit the use of any method of restraint or seclusion that it determines poses a significant danger to the student and establish safety standards for seclusion.

*Patron - Bell, John J.*

**HB2662 High school graduation requirements; work experience; capstone project.** Directs the Board of Education to develop and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2019, guidelines for local school boards to develop and implement a senior capstone project, portfolio, performance-based assessment, or structured experiment, in consultation with stakeholders representing a variety of local school divisions, industries, and education organizations, considering (i) the diversity of school divisions across the Commonwealth, (ii) the need for local flexibility, and (iii) the needs of communities and industries across the Commonwealth. The bill also directs the Board of Education, in establishing high school graduation requirements, to require students to complete a senior capstone project, portfolio, performance-based assessment, or structured experiment that relates to a work-based learning, service-learning, or community engagement activity and aligns with and further develops the knowledge and skills attained through such work-based learning, service-learning, or community engagement activity, provided, however, that such provisions shall not become effective unless reenacted by the 2020 Session of the General Assembly.

*Patron - Landes*

**HB2702 Virginia Polytechnic Institute and State University and Virginia State University; joint plan for new degree program.** Requires Virginia Polytechnic Institute and State University and Virginia State University to jointly develop and report to the State Council of Higher Education for Virginia, the House Committee on Education, and the Senate Committee on Education and Health no later than October 1, 2019, a plan for the establishment of a baccalaureate or other degree program that prepares graduates to be effective career and technical education teachers in order to address persistent teacher shortages in career and technical education subject areas in the Commonwealth.

*Patron - Orrock*

**HB2720 Public School Security Equipment Grant Act of 2013; eligible security equipment.** Specifies that, for the purpose of eligibility for grants for security equipment through the Public School Security Equipment Grant Act of 2013, security equipment includes building modifications and fixtures, such as security vestibules.

*Patron - Gooditis*

**HB2721 Employment of school security officers; law-enforcement officers previously employed by the United States or any state or political subdivision thereof; carrying a firearm in performance of duties.** Allows a school security officer to carry a firearm in the performance of his duties if, within 10 years immediately prior to being hired by the local school board, he was employed by a law-enforcement agency of the United States or any state or political subdivision thereof and his duties were substantially similar to those of a law-enforcement officer in the Commonwealth. Under current law, only a school security officer who was an active law-enforcement officer in the Commonwealth within 10 years immediately prior to being hired by the local school board may qualify to carry a firearm in the performance of his duties. The bill also provides that the Department of Criminal Justice Services' duty to establish minimum training standards and other requirements for school security officers includes establishing minimum training standards and requirements for school security officers previously employed by a law-enforcement agency of the United States or any state or political subdivision thereof.

*Patron - Freitas*

**SB1005 School calendar; opening day of the school year.** Requires each local school board to set the school calendar so that the first day students are required to attend school is no earlier than 14 days before Labor Day unless the Board of Education waives such requirement for good cause. Under current law, each local school board is required to set the school calendar so that the first day students are required to attend school is after Labor Day unless the Board of Education waives such requirement for good cause. The bill provides that in each school division in which the school board sets the school calendar so that the first day students are required to attend school is before Labor Day, such school board shall close each school in the school division from the Friday immediately preceding Labor Day through Labor Day. The bill exempts from certain requirements certain school boards that were previously granted good cause waivers by the Board of Education. This bill is identical to HB 1652.

*Patron - Chase*

**SB1093 Literary Fund; school modernization.** Requires the Board of Education to create a program in which monies from the Literary Fund would be used to subsidize interest payments by local governing bodies and school boards on certain loans from the Virginia Public School Authority for school construction and modernization. Only school divisions with a composite index of local ability-to-pay less than 0.4000 would be eligible to participate in the interest payment program. The bill limits the aggregate amount of loans for each fiscal year to an amount to be specified in the general appropriation act.

*Patron - Ruff*

**SB1130 Department of Criminal Justice Services; school resource officers; school administrators; training.** Requires the Department of Criminal Justice Services (Department) to establish, and every full-time or part-time law-enforcement officer employed as a school resource officer after July 1, 2020, to comply with, compulsory minimum training

standards for law-enforcement officers serving as school resource officers. The bill requires the training provided by the Department pursuant to such standards to be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and to be available throughout the Commonwealth. The bill requires each school board to ensure that every public school it supervises employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety, unless such training is not available online. This bill is identical to HB 2609.

*Patron - Locke*

**SB1141 Family life education; human trafficking.** Requires the Board of Education, in its curriculum guidelines for family life education, to include instruction on the prevention of human trafficking. Additionally, the bill requires any high school family life education program offered in a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the prevention of human trafficking.

*Patron - Favola*

**SB1159 Family life education; female genital mutilation.** Requires any family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the harmful physical and emotional effects of female genital mutilation, associated criminal penalties, and the rights of the victim including any civil action.

*Patron - Black*

**SB1195 School-based health centers joint task force; report.** Directs the Virginia's Children's Cabinet to establish a school-based health centers joint task force that is tasked with (i) assessing the current landscape of school-based services and mental health screening, evaluation, and treatment in school settings; (ii) in coordination with ongoing behavioral health transformation efforts of the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services, developing best practice recommendations for trauma-informed school-based health centers as a vehicle for the provision of both medical and behavioral health delivered in school settings; (iii) evaluating options for billing public and private insurance for school-based health services; and (iv) developing a plan for establishing a Virginia affiliate member organization, recognized by the national School-Based Health Alliance, for the purposes of providing technical assistance and guidance to localities interested in bolstering or implementing current and future school-based health centers. The bill requires that the task force report its findings by December 1, 2019.

*Patron - Dance*

**SB1213 Virginia Center for School and Campus Safety; threat assessment; case management tool.** Requires the Virginia Center for School and Campus Safety to develop a case management tool for use by public elementary and secondary school threat assessment teams and requires such threat assessment teams to use such tool to collect and report to the Center quantitative data on its activities. HB 1734 is identical.

*Patron - Newman*

**SB1214 School boards; local law-enforcement agencies; memorandums of understanding.** Requires (i) the Virginia Center for School and Campus Safety to develop a model memorandum of understanding and (ii) the school board in each school division in which the local law-enforcement agency employs school resource officers to enter into a memo-

randum of understanding with such local law-enforcement agency that is based on such model and sets forth the powers and duties of the school resource officers. The bill requires each such school board and local law-enforcement agency to review and amend or affirm the memorandum at least once every five years or at any time upon the request of either party. This bill is identical to HB 1733.

*Patron - Newman*

**SB1215 School safety procedures; emergency situations; annual training.** Requires each school board to develop training on safety procedures in the event of an emergency situation on school property. The bill requires such training to be delivered to each student and employee in each school at least once each school year. This bill is identical to HB 1732.

*Patron - Newman*

**SB1220 Development and review of school crisis, emergency management, and medical emergency response plans; include certain first responders.** Requires each school board to include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development and review of school crisis, emergency management, and medical emergency response plans. Under current law, the school board is required to provide copies of such plans to the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, and the emergency management official of the locality but is not required to include such first responders in the development and review of such plans. This bill is identical to HB 1737.

*Patron - Newman*

**SB1227 Licensed local school board instructional or administrative employees; service retirement allowance.** Extends from July 1, 2020, to July 1, 2025, the sunset date for provisions (i) requiring school boards, division superintendents, if so requested, and the Superintendent of Public Instruction to annually identify and report critical shortages of teachers and administrative personnel and (ii) permitting any person receiving a service retirement allowance who is hired as a local school board instructional or administrative employee required to be licensed by the Board of Education to elect to continue to receive the retirement allowance during such employment under certain conditions.

*Patron - Chase*

**SB1249 Military families; relocation to the Commonwealth; student registration.** Permits any student whose service member parent is relocated to the Commonwealth pursuant to orders received to register for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division in which such student will reside at the same time and in the same manner as students who reside in the local school division. This bill is identical to HB 1623.

*Patron - Reeves*

**SB1269 Length of school term; waiver for evacuation.** Requires the Board of Education to waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from an evacuation directed and compelled by the Governor for up to five teaching days. The bill provides that there shall be no proportionate reduction in the amount paid by the Com-

monwealth from the Basic School Aid Fund or the amount paid by a local governing body. This bill is identical to HB 2124.

*Patron - Cosgrove*

**SB1295 Public schools; tobacco products and nicotine vapor products.** Requires each school board to (i) develop and implement a policy to prohibit the use and distribution of tobacco products and nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity and (ii) include in its code of student conduct a prohibition against possessing tobacco products or nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity. Current law only places these requirements on each school board with regard to electronic cigarettes. The bill requires such policy to include adequate provisions for enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and referrals to resources to help staff and students overcome tobacco addiction. This bill is identical to HB 2384.

*Patron - Spruill*

**SB1298 Alternative education programs; data.** Requires the Department of Education to annually collect from each school board and publish on its website various enrollment and achievement data on alternative education programs for students who have been suspended, expelled, or otherwise precluded from attendance at school. The bill requires such data to be published in a manner that protects the identities of individual students and disaggregated by local school division and by student race, ethnicity, gender, and disability. This bill is identical to HB 1985.

*Patron - Barker*

**SB1314 Certain facilities in the Commonwealth; participation in educational programs.** Requires any person of school age who is admitted to the Commonwealth Center for Children and Adolescents to be permitted to participate in any education program offered in the facility that is administered by the Department of Education, regardless of his enrollment status, unless such person has been excused from attendance at school due to a bona fide religious training or belief. The bill permits information required to enroll such person in any such education program to be disclosed in accordance with state and federal law. This bill is identical to HB 1986.

*Patron - Hanger*

**SB1331 Modernization of public school buildings and facilities.** Provides that it is the legislative intent that public school buildings and facilities be designed, constructed, maintained, and operated to generate more electricity than consumed, and allows local school boards to enter into leases with private entities to achieve that goal if the school board owns or operates a school building or facility that has been properly modernized, generates energy derived from sunlight, and if the solar generating facility is properly interconnected. The bill also provides that private entities that contract with local school boards to modernize public school buildings and facilities may receive financing from the Virginia Small Business Financing Authority. This bill is identical to HB 2192.

*Patron - Stanley*

**SB1348 Department of Education; energy career cluster.** Requires the Department of Education, in consultation with representatives from pertinent industries such as renewable energy, natural gas, nuclear energy, coal, and oil, to establish an energy career cluster. The bill requires the Department of Education to base the knowledge and skill sets contained in such energy career cluster on the energy industry competency and credential models developed by the Center for Energy

Workforce Development in partnership with the U.S. Department of Labor. The bill further requires the Department of Education to report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2019, on its progress toward establishing such energy career cluster. This bill is identical to HB 2008.

*Patron - Newman*

**SB1397 Teacher licensure; criteria; assessments.** Requires the Board of Education to issue a license to an individual seeking initial licensure who has not completed the professional assessments prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure. The bill removes the requirement that the Board of Education prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and establish a minimum passing score for such assessment. This bill is identical to HB 2037.

*Patron - Peake*

**SB1406 School boards; staffing ratios; guidance counselors.** Changes the name of guidance counselors to school counselors and requires school boards to employ school counselors in accordance with the following ratios: in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; and in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof. Such ratios would be effective with the 2019-2020 school year.

*Patron - Dance*

**SB1419 Department of Education; establishment of microcredential program.** Permits the Department of Education to establish a microcredential program for the purpose of permitting any public elementary or secondary school teacher who holds a renewable or provisional license or any individual who participates in any alternate route to licensure program to complete additional in-person or blended coursework and earn microcredentials in science, technology, engineering, and mathematics (STEM) endorsement areas, including computer science, for which there is a high need for additional qualified teachers. The bill requires the Department of Education to direct the Advisory Board on Teacher Education and Licensure to convene a workgroup including pertinent education stakeholders to determine how any microcredential awarded pursuant to any such program will be used to award add-on endorsements and certifications for teachers in such STEM endorsement areas. The bill provides certain conditions in which in-person coursework in a microcredential program not contributing to an endorsement is eligible for professional development points towards the renewal of a teaching license. This bill is identical to HB 2217.

*Patron - Sturtevant*

**SB1433 Department of Education; teacher employment data.** Requires the Department of Education,

upon the implementation of an automated teacher licensure and intake system, to aggregate and report to each education preparation program certain teacher employment data, as available, regarding such program's graduates.

*Patron - McClellan*

**SB1434 Board of Education; Career and Technical Education Work-Based Learning Guide.** Requires the Board of Education to review and revise, in consultation with certain stakeholders and no later than December 1, 2019, its Career and Technical Education Work-Based Learning Guide to expand the opportunities available for students to earn credit for graduation through high-quality work-based learning experiences such as job shadowing, mentorships, internships, and externships. This bill is identical to HB 2018.

*Patron - McClellan*

**SB1575 Advisory Board on Teacher Education and Licensure; teacher licensure; dual enrollment and career and technical education.** Grants to the Chancellor of the Virginia Community College System voting privileges as a member of the Advisory Board on Teacher Education and Licensure (the Advisory Board). The bill requires the Advisory Board to report to the Board of Education and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2019, recommendations relating to licensure qualifications for individuals employed by an institution of higher education to teach (i) career and technical education courses in a high school setting and (ii) dual enrollment courses in a high school setting. The bill also requires the Board of Education to provide for the issuance of a three-year license to solely teach career and technical education courses or dual enrollment courses at public high schools in the Commonwealth to any individual who is employed as an instructor by an institution of higher education that is accredited by a nationally recognized regional accreditation body, is teaching in the specific career and technical education or dual enrollment subject area at such institution in which the individual seeks to teach at a public school, and complies with certain additional requirements.

*Patron - Ebbin*

**SB1586 Superintendent of Public Instruction; consolidation of surveys.** Requires the Superintendent of Public Instruction to identify any survey, questionnaire, inquiry, or other communication that requires a response from a school board or division superintendent and to, in collaboration with any identified requesting entity, work to consolidate, as much as practicable, all such surveys, questionnaires, inquiries, and other communications in order to reduce the administrative burden of such response.

*Patron - Suetterlein*

**SB1632 Possession or distribution of cannabidiol oil or THC-A oil; public schools.** Provides that no school nurse employed by a local school board, person employed by a local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board, or other person employed by or contracted with a local school board to deliver health-related services shall be prosecuted for possession or distribution of cannabidiol oil or THC-A oil for storing, dispensing, or administering cannabidiol oil or THC-A oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil. The bill also provides that the Department of Health Professions, in coordination with the Department of Education, shall develop and make available to school boards a standardized form that is to be completed by the practitioner who issues a written certification and a phar-

maceutical processor that dispenses the cannabidiol oil or THC-A oil to a student. The bill also provides that no school board shall be required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner for the possession or use of such oil in accordance with the student's individualized health plan and in compliance with a policy adopted by the school board. This bill is identical to HB 1720.

*Patron - Sturtevant*

**SB1713 School bus operators; training.** Requires the Board of Education to include in its training program for school bus operators safety protocols for responding to adverse weather conditions, unsafe conditions during loading and unloading of students, students on the wrong bus, and other circumstances, as determined by the Board, where student safety is at risk.

*Patron - Vogel*

**SB1718 Department of Education; reading diagnostic tools; report.** Directs the Department of Education (the Department) to consult with stakeholders and develop a plan to implement a pilot program to incorporate additional diagnostic tools into reading diagnostic tests used for screening students in kindergarten through grade three. The bill directs the Department to submit such plan to the General Assembly by December 1, 2019.

*Patron - Black*

**SB1728 Standards of Learning Innovation Committee; repeal.** Repeals the Standards of Learning Innovation Committee.

*Patron - Newman*

**SB1746 Department of Education; National Math and Science Initiative.** Directs the Department of Education to encourage school boards of school divisions that have a significant number of enrolled military-connected students to partner with the National Math and Science Initiative to provide such students with the tools and resources necessary to advance science, technology, engineering, and mathematics learning opportunities and career readiness. The bill requires the Department to provide technical assistance to any school board seeking to enter into such a partnership, upon request.

*Patron - Wagner*

**SB1771 State share for basic aid; duration of certain agreements.** Provides that certain cost-savings agreements between school divisions will remain in effect until terminated by the school divisions. Under current law, such agreements are valid for a period of 15 years. This bill is identical to HB 1807.

*Patron - Hanger*

## Failed

**HB1643 Teacher licensure; alternate routes.** Requires the Board of Education to develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement.

*Patron - Hope*

**HB1646 Virginia Preschool Initiative; enrollment; funding.** Permits any local school board to offer any slots in its Virginia Preschool Initiative program that remain unfilled by at-risk students after initial enrollment to students

who reside in the school division and meet the age requirements but do not qualify as at-risk and to charge a fee for such enrollment. The bill permits any school board that charges a fee for such enrollment to use such fees for the purpose of meeting the required local match for its Virginia Preschool Initiative program.

*Patron - Bourne*

**FHB1685 Public schools; enrolled students; disorderly conduct.** Provides that no enrolled public school student who disrupts the operation of the school at which he is enrolled or any activity conducted or sponsored by the school at which he is enrolled on school grounds during normal school hours is guilty of disorderly conduct.

*Patron - Bourne*

**FHB1693 High school family life education curricula; students with intellectual or developmental disabilities.** Requires any high school family life education curriculum offered by a local school division to include, at least four times during grades 11 and 12, instruction for students with intellectual or developmental disabilities on a variety of topics, including social skills, self-esteem, sexuality, and rights and responsibilities.

*Patron - Rodman*

**FHB1710 Public school buses; seat belts.** 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, 2037, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

*Patron - Krizek*

**FHB1724 Grow Your Own Teacher Pilot Programs Fund.** Establishes the Grow Your Own Teacher Pilot Programs Fund and permits the Department of Education to award grants from such fund to local school boards to establish Grow Your Own Teacher Pilot Programs whereby the local school board provides scholarships not to exceed \$7,500 per academic year for attendance at a baccalaureate institution of higher education in the Commonwealth to any individual who (i) graduated from a public high school in the local school division, (ii) was eligible for free or reduced price lunch throughout the individual's attendance at a public high school in the local school division, and (iii) commits to teach, within three years of graduating from the baccalaureate institution of higher education in the Commonwealth and for a period of at least four years, at a public high school at which at least 50 percent of students qualify for free or reduced price lunch in the school division in which such individual graduated from high school. The bill provides that in the event that any program scholarship recipient fails or refuses to comply with such teaching obligation, the sum of all scholarship funds received by such individual shall be converted to a loan that is subject to repayment with interest. The bill has an expiration date of July 1, 2024.

*Patron - Krizek*

**FHB1739 Public School Security Equipment Grant Act of 2013; eligible security equipment.** Specifies that, for the purpose of eligibility for grants for security equipment through the Public School Security Equipment Grant Act of 2013, security equipment includes software and mobile applications.

*Patron - Rush*

**FHB1752 Election day; school holiday.** Prohibits local school boards from requiring students to attend school on the Tuesday after the first Monday in November.

*Patron - Krizek*

**FHB1791 Guidance counselors; nomenclature.** Changes the name of guidance counselors to school counselors.

*Patron - VanValkenburg*

**FHB1793 Public schools; lock-down drills; notice to parents.** Requires every public school to provide the parents of enrolled students with at least 24 hours' notice before the school conducts any lock-down drill.

*Patron - VanValkenburg*

**FHB1795 Student voters; Virginia voter registration.** Requires each public high school and public institution of higher education to provide to any enrolled student who is of voting age or otherwise eligible to register to vote access to Virginia voter registration information and applications.

*Patron - VanValkenburg*

**FHB1837 Students who are eligible for free or reduced price lunch; dual enrollment; tuition or fees.** Provides that no student who is eligible to receive free or reduced price lunch and who enrolls in a dual enrollment course shall be charged tuition or any other fee for such enrollment.

*Patron - Marshall*

**FHB1844 Teacher shortages; data; task force.** Requires (i) each school board to report to the Department of Education annually no later than December 31 the number of full-time teacher vacancies in the school division as of November 1, by endorsement area, and (ii) each education preparation program to report to the Department of Education annually no later than December 31 the number of individuals who graduated from the program during the current calendar year, by endorsement area. The bill requires the Department of Education to (a) aggregate and report such data to each school board and education preparation program and (b) convene a task force comprised of such stakeholders as it deems appropriate to analyze such data and recommend policies for addressing any shortage of teachers in the Commonwealth.

*Patron - Rodman*

**FHB1854 Department of Education; workgroup on social and emotional learning.** Requires the Department of Education to convene a workgroup to make recommendations for the effective implementation of social and emotional learning in public elementary and secondary schools in the Commonwealth.

*Patron - Rasoul*

**FHB1873 School resource officers and school security officers; data.** Requires (i) each local school board to annually collect and report to the Virginia Center for School and Campus Safety (the Center) and the Department of Education (the Department) data on the use of force against students, arrests of students, student referrals to court, and other disciplinary actions by school resource officers and school security officers and (ii) the Center, in conjunction with the Department, to collect, analyze, and disseminate such data.

*Patron - VanValkenburg*

**FHB1908 Department of Environmental Quality; Department of Education; sixth grade science curriculum.** Directs the Department of Environmental Quality and the Department of Education to update the "Window into a Green

Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse.

*Patron - VanValkenburg*

**HB1919 Dual Enrollment Faculty Credential Grant Fund and Program established.** Establishes the Dual Enrollment Faculty Credential Grant Fund and Program for the purpose of awarding grants on a competitive basis to school boards to assist high school teachers employed in the local school division to obtain the credentials necessary to be considered faculty who are qualified to teach dual enrollment courses in high schools in the local school division. The bill requires the Department of Education to administer the Dual Enrollment Faculty Credential Grant Program (the Program) and establish such guidelines and procedures as it deems necessary for the administration of the Program, including guidelines and procedures for grant applications, awards, and renewals.

*Patron - Stolle*

**HB1921 School boards; unexpended local funds; capital projects.** Permits any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year.

*Patron - Bourne*

**HB1969 School boards; unexpended local funds.** Requires all sums derived from local funds unexpended by a school board in any year to remain a part of the funds of the school board for use the next year. Under current law, such sums are required to remain a part of the funds of the governing body that appropriated the funds to the school board.

*Patron - Delaney*

**HB1978 Superintendent of Public Instruction; establishment of the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council.** Requires the Superintendent of Public Instruction to establish and appoint no more than 12 members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (Council), including at least one teacher, librarian, representative of a parent-teacher organization, school administrator, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill requires the Council to (i) develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media literacy of all students in the local school division; (ii) develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students in public elementary and secondary schools; (iii) design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe, ethical, and responsible use of media and technology by students; and (iv) submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2020. The bill has an expiration date of July 1, 2021.

*Patron - Sullivan*

**HB2006 School-based health centers joint task force; report.** Directs the Secretary of Health and Human Resources and the Secretary of Education to establish a school-based health centers joint task force that is tasked with (i) assessing the current landscape of school-based services and mental health screening, evaluation, and treatment in school

settings; (ii) in coordination with ongoing behavioral health transformation efforts of the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services, developing best practice recommendations for trauma-informed school-based health centers as a vehicle for the provision of both medical and behavioral health services delivered in school settings; and (iii) developing a plan for establishing a Virginia affiliate member organization, recognized by the national School-Based Health Alliance, for the purposes of providing technical assistance and guidance for localities interested in bolstering or implementing current and future school-based health centers. The bill requires that the task force report its findings by December 1, 2019.

*Patron - Aird*

**HB2031 Department of Education; task force; cyber centers of excellence.** Requires the Department of Education to establish and appoint members to a task force for the purpose of establishing a program and standards for the designation of any public middle school or high school in the Commonwealth as a cyber center of excellence. The bill requires such program and standards to, at minimum, (i) establish a competitive process by which local school boards may apply to the Department of Education to designate any middle school or high school in the local school division as a cyber center of excellence and (ii) require applicants to demonstrate the ability to (a) provide high-quality programs and curricula for the development of the computer skills of enrolled students, (b) identify enrolled students with an aptitude for such programs and curricula, and (c) assist such students in developing their computer skills in order to be better prepared to meet the Commonwealth's growing demand and unmet need for cybersecurity professionals. The bill requires the task force to create and distribute to each local school board guidelines, procedures, and best practices for applications for the designation of schools as cyber centers of excellence.

*Patron - McGuire*

**HB2041 Students; suspension; sufficient cause.** Provides that in no cases shall sufficient cause for student suspensions include only instances of cell phone use or only instances of dress code violations. Under current law, sufficient cause for suspension may not include only instances of truancy.

*Patron - Kory*

**HB2102 Students who receive home instruction; participation in interscholastic programs.** Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs,

including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2024.

*Patron - Freitas*

**HB2104 Public elementary and secondary schools; dress or grooming codes.** Requires any dress or grooming code, which the bill defines as any practice, policy, or portion of a code of student conduct adopted by a school board that governs or restricts the attire of any enrolled student, to (i) permit any student to wear any religiously, ethnically, or culturally specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, dreadlocks, and cornrows; (ii) maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender; (iii) be clear, specific, and objective and avoid any subjective term or standard such as “distracting,” “provocative,” or “inappropriate”; (iv) prohibit any school board employee from enforcing the dress or grooming code by direct physical contact with a student or a student’s attire; and (v) prohibit any school board employee from requiring a student to undress in front of any other individual, including the enforcing school board employee, to comply with the dress or grooming code. The bill requires the Board of Education to include in its guidelines and model policies for codes of student conduct standards for dress or grooming codes.

*Patron - Carroll Foy*

**HB2125 Board of Education; alternative pathway to the advanced studies diploma.** Directs the Board of Education to establish a pathway to the advanced studies high school diploma that requires advanced coursework in career and technical education in lieu of world language coursework and any other required course that the Board deems appropriate. The bill requires such pathway to become effective for the 2020-2021 school year and to be available to any student, regardless of the school year during which the student enters ninth grade.

*Patron - Davis*

**HB2144 Duty-Free Lunch Grant Fund and Program established.** Establishes the Duty-Free Lunch Grant Fund and Program for the purpose of awarding grants on a competitive basis to school boards to provide teachers in the local school division with an uninterrupted lunch period during which they have no instructional, administrative, or other duties to perform. The bill requires the Department of Education to administer the Program and to establish such guidelines and procedures as it deems necessary for the administration of the Program, including guidelines and procedures for grant applications, awards, and renewals.

*Patron - Turpin*

**HB2145 Model exit questionnaire for teachers; statewide implementation.** Requires each local school board to (i) administer the model exit questionnaire for teachers developed by the Superintendent of Public Instruction to each teacher who ceases to be employed in the school division for any reason and (ii) collect, maintain, and report on the results of each such questionnaire in a manner that ensures the confidentiality of each teacher’s name and other personally identifying information. Under current law, such model exit questionnaire for teachers is administered in five school divisions pursuant to a pilot program.

*Patron - Turpin*

**HB2222 Local school boards; display of advertising material on school buses.** Permits local school boards to display (i) commercial advertising material on the sides of school buses between the rear wheels and the rear of the bus, provided that no such material (a) obstructs the name of the

school division or the number of the school bus; (b) is sexually explicit; or (c) pertains to alcohol, food or beverages that do not meet the nutrition standards developed by the U.S. Department of Agriculture pursuant to the federal Healthy, Hunger-Free Kids Act of 2010 or any additional state or local nutrition standards for food or beverages sold to students in school, gambling, politics, or tobacco and (ii) school-related advertising material, including advertising material relating to school events and school board employment opportunities, on the sides of school buses between the rear wheels and the rear of the bus, provided that no such material obstructs the name of the school division or the number of the school bus.

*Patron - O’Quinn*

**HB2259 Model exit questionnaire for teachers; statewide implementation.** Requires each local school board to (i) administer the model exit questionnaire for teachers developed by the Superintendent of Public Instruction to each teacher who ceases to be employed in the school division for any reason and (ii) collect, maintain, and report on the results of each such questionnaire in a manner that ensures the confidentiality of each teacher’s name and other personally identifying information. Under current law, such model exit questionnaire for teachers is administered in five school divisions pursuant to a pilot program.

*Patron - Pogge*

**HB2291 School boards; local law-enforcement agencies; memorandums of understanding.** Requires the school board in each school division in which the local law-enforcement agency employs school resource officers to enter into a memorandum of understanding with such local law-enforcement agency that sets forth the respective roles and responsibilities of the school board and the law-enforcement agency and the roles and responsibilities of such school resource officers. The bill requires each such school board and local law-enforcement agency to (i) review the memorandum of understanding every two years or at any time upon the request of either party with the possibility to revise such memorandum at any time as agreed by the parties, and (ii) ensure that all relevant personnel employed by either party are informed of and review the provisions of the memorandum of understanding, including any revisions to the memorandum of understanding. The bill also requires the Virginia Center for School and Campus Safety to develop a model memorandum of understanding that may be used by local school boards and local law-enforcement agencies to satisfy the new requirements put forth in the bill.

*Patron - VanValkenburg*

**HB2319 Public elementary and secondary school students; permitted fees and charges.** Prohibits school boards from levying fees and charges on students, with the exception of charging tuition under certain circumstances.

*Patron - Bell, Richard P.*

**HB2338 High school graduation requirements; verified credits; Virginia and U.S. History.** Requires the Board of Education, in its graduation requirements, to require students to earn a verified unit of credit in Virginia and U.S. History through (i) successful completion of a Board-developed end-of-course Standards of Learning assessment; (ii) achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content; or (iii) achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in

Board guidelines when the student has not passed the corresponding Standards of Learning assessment.

*Patron - Landes*

**HB2376 School meal policies.** Requires each local school board to adopt policies that prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to throw away a meal after it has been served to him.

*Patron - Roem*

**HB2382 Student journalists; freedom of speech and the press.** Declares that, except in certain limited circumstances, a student journalist at a public elementary or secondary 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, supported through the use of school facilities in the school division, or produced in conjunction with a course or class 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 elementary or secondary 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.

*Patron - Hurst*

**HB2387 Student discipline; alternative education programs.** Requires local school boards to provide alternative education programs for suspended students and assign licensed instructional personnel for such programs in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions that are not greater than 10 to one. The bill also requires the Board of Education to establish quality standards for such alternative education programs. The bill provides that the above-mentioned provisions shall become effective after the rebenchmarking of direct aid to the public education budget for the 2020-2022 biennium.

*Patron - Bulova*

**HB2408 Department of Education; pilot program; feasibility of educational placement transition of certain students with disabilities.** Requires the Department of Education to develop and implement a pilot program in two local school divisions in the Commonwealth 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.

*Patron - Adams, L.R.*

**HB2458 Early childhood care and education; licensing.** Requires the Board of Education to establish a statewide unified public-private system for early childhood care and education in the Commonwealth to be administered by the

Board of Education, the Superintendent of Public Instruction, and the Department of Education. The bill transfers the authority to license and regulate child day programs and other early child care agencies from the Board of Social Services and Department of Social Services to the Board of Education and the Department of Education. The bill maintains current licensure, background check, and other requirements of such programs. The bill establishes the Early Childhood Innovation Fund for the purpose of facilitating regional public-private collaboration and to field test innovative strategies and evidence-based practices that support a robust system of comprehensive early childhood care and education services to deliver measurable school readiness outcomes and meet regional workforce support needs. Such provisions of the bill have a delayed effective date of July 1, 2021.

The bill requires the Superintendent of Public Instruction to establish a plan for implementing the statewide unified early childhood care and education system and requires the Department of Social Services and the Department of Education to enter into a cooperative agreement to coordinate the transition. The bill provides that, beginning July 1, 2021, the Department of Education will be the lead agency for the administration of the Child Care and Development Block Grant and the Head Start Collaboration Office. Finally, the bill requires the Board of Education and the Board of Social Services to promulgate regulations to implement the provisions of the bill to become effective on July 1, 2021.

*Patron - Landes*

**HB2462 School boards; school meal policies; student debt; parental notification.** Requires each local school board to require the appropriate school board employee to inform the parent of any student who incurs a school meal debt of (i) the amount of such debt no later than 20 days after it accrues and (ii) the consequences of such debt and the school board policy and procedure relating to such debt, including any requirement that such student be served an alternative meal or be required to dispose of meals served to him while such debt remains unpaid.

*Patron - Roem*

**HB2463 Children with disabilities; due process hearings; burden of proof.** Specifies that, in any due process hearing before a hearing officer to resolve certain disputes relating to the education of children with disabilities, the local school division has the burden of proof, including the burden of production and the burden of persuasion, provided that (i) in any due process hearing brought by a parent, the parent shall establish a prima facie case before the burden of persuasion falls on the local school division and (ii) in any dispute in which a party seeks tuition reimbursement for a unilateral placement, such party seeking tuition reimbursement has the burden of production and the burden of persuasion solely on the issue of the appropriateness of the unilateral placement.

*Patron - Tran*

**HB2508 Local school boards; support services positions; behavior analysts.** Includes licensed behavior analysts and licensed assistant behavior analysts as support services positions in a local school division for the purposes of Title 22.1 (Education) of the Code of Virginia.

*Patron - Pogge*

**HB2520 Secretary of Education; establishment of the College and Career Readiness Steering Committee.** Requires the Secretary of Education to establish the 21-member College and Career Readiness Steering Committee to (i) develop and oversee implementation of a strategic plan for ensuring that all students in the Commonwealth, and particu-

larly subgroups of students who have been historically underserved, graduate from high school (a) meeting the requirements for an advanced studies diploma; (b) having had the opportunity to participate and succeed in pathways that integrate rigorous academic instruction aligned with the Standards of Learning, including career and technical education, work-based learning, wraparound services, and opportunities to earn credit for postsecondary education while enrolled in high school; and (c) having had a high school experience that is aligned with expectations for postsecondary education and employer demand and (ii) provide certain recommendations, guidance, leadership, goals, and assistance relating to the implementation of such strategic plan.

*Patron - Ayala*

**HB2568 Child Safety Savings Accounts established.** Permits the parents of certain children who are victims of bullying, certain crimes, and certain other violent acts to apply to the school division in which the child resides for a one-year, renewable Child Safety Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the student is eligible. The bill permits the parent to use the moneys in such account for certain education-related expenses of the student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

*Patron - LaRock*

**HB2570 Family life education programs; student participation.** Prohibits any public elementary or secondary school student from participating in any family life education program without the prior written consent of his parent.

*Patron - LaRock*

**HB2574 School Divisions of Innovation; performance-based assessments.** Allows a local school board, when applying for its school division to be designated as a School Division of Innovation, to apply to the Board of Education (the Board) to replace certain Standards of Learning assessments with performance-based assessments. The bill requires the Board to determine if the local school board has the capacity to administer and score performance-based assessments and provides criteria for such determination. The bill requires any proposed performance-based assessment to be an adequate replacement of the relevant Standards of Learning assessment and requires students to demonstrate the knowledge and skills required by the relevant Standards of Learning and one or more of critical thinking, creativity, collaboration, communication, or citizenship. The standards of learning assessments eligible for replacement are Virginia Studies and Civics and Economics.

*Patron - LaRock*

**HB2589 Advisory Board on Teacher Education and Licensure; membership; recommendations.** Grants to the Chancellor of the Virginia Community College System voting privileges as a member of the Advisory Board on Teacher Education and Licensure (the Advisory Board). The bill requires the Advisory Board to report to the Board of Education and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, no later than December 1, 2019, recommendations relating to licensure qualifications for individuals (i) employed by an institution of

higher education to teach career and technical education courses in a high school setting and (ii) to teach dual enrollment courses in a high school setting.

*Patron - Tran*

**HB2593 Health instruction; mental health.** Directs the Board of Education to review and update the health Standards of Learning for students in all grades to include mental health. Legislation passed in 2018 required such review and update for students in grades nine and 10.

*Patron - Rodman*

**HB2612 Planning time for public school teachers.** Requires each school board to ensure that each elementary school, middle school, and high school teacher in its employment is provided at least one 45-minute period per school day as planning time that is unencumbered and otherwise uninterrupted, except in the case of the emergency need for classroom support or another emergency situation. Under current law, public elementary school teachers are guaranteed at least an average of 30 minutes of planning time per school day during a school week.

*Patron - VanValkenburg*

**HB2623 Board of Education; school counseling services; model policies.** Requires the Board of Education to develop a model policy for the provision of counseling services in public schools that includes provisions for parental consent, written parental notification, parental involvement, as appropriate, confidentiality, procedures by which a parent may limit or prohibit his child's participation, appropriate exceptions such as imminent need, health, or safety or maintaining order in the school, and other necessary provisions as determined by the Board. The bill requires the Board of Education, in developing such model policy, to seek to balance the needs of students with the rights of parents.

*Patron - Ransone*

**HB2628 Military families; relocation to the Commonwealth; student registration.** Permits any student whose parent has received orders to relocate to a duty station in the Commonwealth to register for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division in which such student will reside at the same time and in the same manner as students who reside in the local school division. The bill requires each such student to provide to the school board proof of residency in the local school division no later than 10 days after his parent establishes such residency.

*Patron - Freitas*

**HB2638 Department of Education; Teacher Advisory Committee.** Requires the Department of Education (the Department) to establish and appoint members to a Teacher Advisory Committee (the Committee). The bill requires each member of the Committee to be a public elementary or secondary school teacher or administrator in the Commonwealth. The bill requires the Committee to meet at least once a year in either July or August and at such times as the Department directs to make recommendations to the Department for the improvement of regulations, guidance, and implementation procedures that impact the classroom.

*Patron - VanValkenburg*

**HB2646 School boards; assignment of teachers; class size limits.** Reduces from 29 to 28 the maximum class size in kindergarten; from 30 to 28 the maximum class size in

grades one, two, and three; and from 35 to 29 the maximum class size in grades four, five, and six.

*Patron - Hugo*

**HB2654** **Students who receive home instruction; documentation.** Provides that, except as otherwise required by relevant law, no parent who provides home instruction for his child in lieu of school attendance shall be required to provide to the school board in the local school division in which his child resides any additional documentation relating to such home instruction.

*Patron - Head*

**HB2668** **Local school boards; support services positions; behavior analysts.** Includes licensed behavior analysts and licensed assistant behavior analysts as support services positions in a local school division for the purposes of Title 22.1 (Education) of the Code of Virginia.

*Patron - Tran*

**HB2775** **Department of Education; community schools; guidance.** Requires the Department of Education, in consultation with Communities in Schools of Virginia and other relevant stakeholders, to develop, distribute to each local school division, and report to the Governor and General Assembly, no later than November 1, 2019, guidance on best practices for local school divisions to transition existing schools to community schools. Such guidance shall include best practices for removing nonacademic barriers to learning as a means to enhance student academic success in public elementary and secondary schools throughout the Commonwealth.

*Patron - Rasoul*

**HB2780** **Science, technology, engineering, arts, and mathematics (STEAM) programs; grants.** Creates a special fund known as the STEAM Education Fund.

*Patron - Ayala*

**SB1021** **Driver education programs; home instruction.** Requires any school board that offers a program of driver education in the safe operation of motor vehicles to make the program available to any student who receives home instruction and resides in the local school division. The bill prohibits the school board from charging a fee or assessing a surcharge for such students that exceeds the fee or surcharge required of public school students.

*Patron - Black*

**SB1056** **Public schools; tobacco products and nicotine vapor products.** Requires each school board to (i) develop and implement a policy to prohibit the use of tobacco products and nicotine vapor products on a school bus, on school property, or at a school-sponsored activity and (ii) include in its code of student conduct a prohibition against possessing tobacco products or nicotine vapor products on a school bus, on school property, or at a school-sponsored activity.

*Patron - Marsden*

**SB1074** **School calendar; opening day of the school year.** Provides that the local school board of a school division located in Planning District 8 shall be responsible for setting the school calendar and determining the opening day of the school year.

*Patron - Howell*

**SB1095** **Superintendent of Public Instruction and Commissioner of Social Services; early childhood care and education.** 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.

*Patron - Howell*

**SB1113** **School calendar; opening day of the school year.** Provides that the local school board of a school division located in Planning District 8 shall be responsible for setting the school calendar and determining the opening day of the school year.

*Patron - Favola*

**SB1134** **Local school boards; support services positions; behavior analysts.** Includes licensed behavior analysts and licensed assistant behavior analysts as support services positions in a local school division for the purposes of Title 22.1 (Education) of the Code of Virginia.

*Patron - Favola*

**SB1138** **School Divisions of Innovation; performance-based assessments.** Allows a local school board, when applying for its school division to be designated as a School Division of Innovation, to apply to the Board of Education (the Board) to replace certain Standards of Learning assessments with performance-based assessments. The bill requires the Board to determine if the local school board has the capacity to administer and score performance-based assessments and provides criteria for such determination. The bill requires any proposed performance-based assessment to be an adequate replacement of the relevant Standards of Learning assessment and requires students to demonstrate the knowledge and skills required by the relevant Standards of Learning and one or more of critical thinking, creativity, collaboration, communication, or citizenship. The standards of learning assessments eligible for replacement are (i) Virginia Studies, (ii) Civics and Economics, (iii) elementary school science, and (iv) middle school science. The bill further requires the Board to promulgate any necessary regulations and to submit to the U.S. Department of Education any necessary amendments to its consolidated state plan.

*Patron - Favola*

**SB1142** **State School Health Advisory Committee.** Requires the Board of Education to establish the State School Health Advisory Committee, consisting of no more than 20 nonlegislative citizen members, to advise the Board, the Governor, and the General Assembly on (i) the role of employees in public elementary or secondary schools in providing health care services at such schools and (ii) the need for any training associated with delivery of health care services.

*Patron - Favola*

**SB1147** **Public high schools; graduation requirements; credit for work-based learning experiences.** Requires the Board of Education in its graduation requirements to permit students in locally approved internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences to receive credit, up to a full course load, based on time spent in such programs. The bill also requires the Board to permit students in grade twelve to earn the equivalent of a full course load and to substitute each credit earned in such a pro-

gram for a standard unit of credit in English, mathematics, science, or history and social science.

*Patron - Petersen*

**SB1218 Public high schools; Standards of Learning assessments.** Requires the Standards of Learning assessments administered to students in grades nine through 12 to include reading, writing, mathematics, biology, and Virginia and U.S. history. The bill requires each such Standards of Learning assessment to consist of a Board-developed end-of-course assessment and prohibits such from being performance-based. The bill requires each school board to annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students enrolled in a high school course in mathematics, science, or history and social science for which an end-of-course Standards of Learning assessment was administered prior to July 1, 2019, and was subsequently eliminated by the Board. The bill requires the Department of Education to perform reviews on such locally administered alternative assessments for high school courses and to report such review based on the 2019-2020 school year outcomes to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by December 1, 2020. The bill requires the Board, in its graduation requirements, to require students to earn a verified unit of credit in reading, writing, mathematics, science, and Virginia and U.S. History. The bill requires each such verified credit to be earned only by (i) the successful completion of a Board-developed end-of-course Standards of Learning assessment; (ii) achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content in the course for which the verified credit is given; or (iii) achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in Board guidelines when the student has not passed the corresponding Standards of Learning assessment. The bill authorizes the Board to permit transfer students to graduate with a reduced number of credits. The provisions of the bill requiring certain verified credit become effective beginning with first-time ninth grade students in the 2019-2020 school year.

*Patron - Newman*

**SB1223 School holidays; certain election days.** Prohibits local school boards from requiring students to attend school on the second Tuesday in June or the Tuesday after the first Monday in November. The bill also prohibits parent-teacher conferences and meetings from being held on those dates.

*Patron - Chase*

**SB1236 Public schools; equal access; education employee associations.** Requires school boards to adopt and implement policies to ensure that employees have equal access to education employee associations. The bill requires (i) the Department of Education to identify each education employee association operating in the Commonwealth and provide a list of such education employee associations to school boards and (ii) school boards to provide to each employee such list of available employee education associations and post such list on the school division website.

*Patron - DeSteph*

**SB1258 Local school boards; support services positions; behavior analysts.** Includes licensed behavior analysts and licensed assistant behavior analysts as support ser-

vices positions in a local school division for the purposes of Title 22.1 (Education) of the Code of Virginia.

*Patron - Dunnivant*

**SB1264 Department of Education; pilot program; feasibility of educational placement transition of certain students with disabilities.** Requires the Department of Education to develop and implement a pilot program in two local school divisions in the Commonwealth 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 was incorporated into SB 1576.

*Patron - Vogel*

**SB1275 Junior Reserve Officer Training programs; students receiving home instruction.** Requires any school board that offers a Junior Reserve Officers Training Corps program to make the program available to any student who receives home instruction and resides in the local school division. The bill prohibits any such school board from requiring any such student to enroll on a full or part-time basis or to meet other eligibility requirements for such a program beyond those required of public school students. The bill provides that such a student may demonstrate compliance with any academic achievement requirements for participation in such a program in any manner acceptable as evidence of progress under the home instruction provisions of the Code.

*Patron - Black*

**SB1278 Public schools; kindergarten instructional time.** Increases from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten. The bill directs the Board of Education to promulgate regulations by July 1, 2021, establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation. The bill has a delayed effective date of July 1, 2021.

*Patron - Barker*

**SB1299 School resource officers; training and certification; memoranda of understanding.** Requires each school resource officer to be trained and certified by the Virginia Center for School and Campus Safety. The bill expands the topics on which school security officers are required to be trained. The bill also requires any school board that agrees to place school resource officers in any school in the school division and the relevant local law-enforcement agency to establish and annually review and update a memorandum of understanding (MOU) governing the use and duties of school resource officers, and ensure that all relevant parties receive initial and ongoing training on the contents of such MOU.

*Patron - Barker*

**SB1313 Early childhood care and education; licensing.** Requires the Board of Education to establish a statewide unified public-private system for early childhood care and education in the Commonwealth to be administered by the

Board of Education, the Superintendent of Public Instruction, and the Department of Education. The bill transfers the authority to license and regulate child day programs and other early child care agencies from the Board of Social Services and Department of Social Services to the Board of Education and the Department of Education. The bill maintains current licensure, background check, and other requirements of such programs. The bill establishes the Early Childhood Innovation Fund for the purpose of facilitating regional public-private collaboration and to field test innovative strategies and evidence-based practices that support a robust system of comprehensive early childhood care and education services to deliver measurable school readiness outcomes and meet regional workforce support needs. Such provisions of the bill have a delayed effective date of July 1, 2021.

The bill requires the Superintendent of Public Instruction to establish a plan for implementing the statewide unified early childhood care and education system and requires the Department of Social Services and the Department of Education to enter into a cooperative agreement to coordinate the transition. The bill provides that, beginning July 1, 2021, the Department of Education will be the lead agency for the administration of the Child Care and Development Block Grant and the Head Start Collaboration Office. Finally, the bill requires the Board of Education and the Board of Social Services to promulgate regulations to implement the provisions of the bill to become effective on July 1, 2021.

*Patron - Dunnavant*

**SB1330 Voter referendum; school modernization commission.** 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 developing such a commission. The referendum would be held at the November 2019 general election.

*Patron - Stanley*

**SB1392 Standards of Achievement Career and Technical Education Committee; established.** Directs the Board of Education to establish the Standards of Achievement Career and Technical Education Committee (the Committee) to make recommendations to the General Assembly and the Board of Education to facilitate the development of career and technical education Standards of Achievement, including accreditation standards, assessment testing, and course content and curriculum for participating schools, with a focus on (i) rigorous standards and course content and curriculum that align workforce skills with industry-recognized standards; (ii) robust business and industry engagement and responsiveness to labor market needs; (iii) strategies to remove the stigma from career and technical education, including early exposure to career options and life skills; (iv) work-based learning and apprenticeships; (v) innovative high school models; and (vi) leveraging existing resources and programs in the Commonwealth. The Committee shall identify any necessary changes to statutory and regulatory provisions, including existing requirements regarding (a) instructional programs; (b) instructional, administrative, and support personnel; (c) accreditation; (d) assessments; (e) graduation requirements; (f) teacher licensure; and (g) dual enrollment. The bill requires the Committee to report its findings and recommendations to the General Assembly and the Board of Education by November 1, 2019.

*Patron - Wagner*

**SB1440 Health instruction; mental health.** Directs the Board of Education to review and update the health Stan-

dards of Learning for students in all grades to include mental health. Legislation passed in 2018 required such review and update for students in grades nine and 10.

*Patron - McClellan*

**SB1471 Education; computation of composite index; land-use assessment value.** Requires the General Assembly to modify the current standards of quality funding formula and the calculation of composite index of local ability to pay to incorporate within the real estate indicator of local wealth the land-use assessment value for those properties located within a land-use plan.

*Patron - Hanger*

**SB1472 Public schools; Mental Health First Aid training.** Requires each school board to adopt and implement policies that require each teacher and other relevant personnel, as determined by the school board, employed on a full-time basis, to complete a Mental Health First Aid training or similar program. The bill requires each school board to provide such training and provides that a school board may contract with the Department of Behavioral Health and Developmental Services, a community services board, a behavioral health authority, a nonprofit organization, or other certified trainer to provide such training.

*Patron - Deeds*

**SB1502 Public schools; electives on the Hebrew Scriptures/Old Testament and the New Testament.** Requires the Board of Education to authorize local school boards to offer as an elective in grades nine through 12, with appropriate credits toward graduation, a course on the Hebrew Scriptures/Old Testament of the Bible or the New Testament of the Bible or a combined course on both. The bill requires the Board of Education to develop Standards of Learning and curriculum guidelines for such courses. The bill provides that the purpose of such courses is to introduce students to biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy. The bill prohibits students from being required to use a specific translation of a religious text when taking the courses and provides that such courses shall maintain religious neutrality and shall not endorse, favor, promote, disfavor, or show hostility toward any particular religion or nonreligious perspective.

*Patron - Carrico*

**SB1522 Dual enrollment and graduation requirements; postsecondary credential, certification, or license attainment.** Requires local school boards and comprehensive community colleges to enter into dual enrollment agreements for postsecondary credential, certification, or license attainment concurrent with a high school diploma. The bill also requires the Board of Education to include in its graduation requirements provisions for the award of standard units of credit for successfully completing such a program at a comprehensive community college through a dual enrollment agreement.

*Patron - Ruff*

**SB1525 Public schools; Standards of Learning assessments.** Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended. The bill requires the Department of Education to calculate any potential or realized savings from the implementation of the bill and to report the amount of such savings to the Governor and the Chairmen of the House Committee on Appropriations and Senate Committee on Finance by November 1, 2020. Such amount

shall be included in the total for Direct Aid to Public Education in any general appropriation act for fiscal years 2022 and 2023.

*Patron - Sturtevant*

**SB1545 Public schools; alternative accountability process.** Allows a school board to adopt an alternative accountability process to provide a principal and parties involved in an incident involving assault, or assault and battery without bodily injury, that occurs on a school bus, on school property, or at a school-sponsored event an option to enter into a mutually agreed upon process between the involved parties as an alternative to reporting such incident to law enforcement. The bill provides that a principal in a school division with such an alternative accountability process may attempt to engage the parties involved in such an incident in the process prior to reporting such incident to the local law-enforcement agency and prohibits, if provided for by the school board, a principal from reporting a party who successfully completes the alternative accountability process.

*Patron - Sturtevant*

**SB1561 Department of Education; sixth grade science curriculum.** Directs the Department of Education to coordinate with the Department of Environmental Quality to update the “Window into a Green Virginia” curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse.

*Patron - Lewis*

**SB1576 Department of Education; pilot program; feasibility of educational placement transition of certain students with disabilities.** 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 program, 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. The provisions of the bill are contingent on funding in a general appropriation act.

The bill incorporates SB 1264.

*Patron - Suetterlein*

**SB1585 Department of Education; division-level performance assessments; resource guide.** Requires the Department of Education to develop and distribute to each local school division a resource guide on the local development and implementation of performance assessments that includes (i) detailed recommendations for methods of ensuring (a) the quality, validity, and reliability of such assessments, such as assurances, sampling, and auditing, and (b) the alignment of

such assessments with the desired student outcomes of critical thinking, creative thinking, collaboration, communication, and citizenship and (ii) a collection of division-level performance assessment exemplars.

*Patron - Suetterlein*

**SB1587 Public schools; average daily membership; early graduation.** Provides that a student who graduates from a public high school in less than four school years will be counted in the average daily membership in the relevant school division until the graduation of his class cohort or he is no longer of school-age, whichever is earlier. The provisions of the bill do not apply to any student who completes a high school equivalency examination. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Suetterlein*

**SB1590 Virtual Virginia.** Requires that the Virtual Virginia program be made available to all public schools. Currently, the program is available only to high schools. The bill requires the Department of Education (the Department) to utilize a learning management system for the purposes of implementing Virtual Virginia. The bill also authorizes the Department to charge a per-student fee to school divisions for each student enrolled in a Virtual Virginia course beyond an initial allotment of 15 such students per school division and prohibits the Department from limiting the total number of such students by school division. The bill requires the Department to annually report on the Virtual Virginia program that includes student outcomes to the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and Education and Health. The Department is required to make such report by November 1 of each year for the previous school year.

*Patron - Dunnavant*

**SB1595 Department of Education; individualized education program teams; guidelines.** Requires the Department of Education to establish guidelines for individualized education program (IEP) teams to utilize when developing IEPs for children with disabilities to ensure that IEP teams consider the need for age-appropriate and developmentally-appropriate instruction related to sexual health, self-restraint, self-protection, respect for personal privacy, and personal boundaries of others. The bill requires each local school board, in developing IEPs for children with disabilities, in addition to any other requirements established by the Board, to ensure that IEP teams consider such guidelines.

*Patron - Dunnavant*

**SB1629 Local school boards; lead testing; report.** Requires each local school board to submit its plan to test and remediate certain potable water sources and report the results of any such test to the Department of Health.

*Patron - McPike*

**SB1646 Menstrual supplies; certain school buildings.** Requires each school board to make tampons and pads available at all times and at no cost to students in the bathrooms of each facility that it owns, leases, or otherwise controls that houses a public school at which any student in grades six through 12 is enrolled.

*Patron - Boysko*

**SB1647 School boards; prospective school security officers; background investigation.** Requires school boards to perform background investigations on school security officers.

*Patron - Boysko*

**SB1702 Public School Assistance Fund and Program created.** Creates the Public School Assistance Fund and Program, to be administered by the Department of Education, for the purpose of providing grants to school boards to be used solely for the purpose of repairing or replacing the roofs of public elementary and secondary school buildings in the local school division. The bill permits any school board in the Commonwealth to apply for Program grants but requires the Department of Education to give priority in the award of grants to school boards that demonstrate the greatest need based on the condition of existing school building roofs and the ability to pay for the repair or replacement of such roofs.

*Patron - Stanley*

**SB1753 School boards; race and ethnicity data.** Prohibits a local school board from using a student's race or ethnicity information for any purpose other than compliance with federal law, when the local school board requires a student or his parent to disclose such information and because of such federal law does not give an option for the student or his parent to designate "other" for the student's race or ethnicity. The bill also requires that for the purposes of a student's permanent record each local school board shall obtain information related to such student's race or ethnicity in a manner that provides such option to designate "other."

*Patron - DeSteph*

## Elections

### Passed

**HB1620 State Board of Elections; membership; appointment of Commissioner of Elections.** Increases the membership of the State Board of Elections from three members to five members and increases the terms of Board members from four years to five years. Representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill also grants to the Board the authority to appoint the Commissioner of Elections, subject to confirmation by the General Assembly, and to remove the Commissioner of Elections. The appointment or removal of the Commissioner shall require an affirmative vote of four of the five Board members. The bill has a delayed effective date of January 1, 2020. This bill is identical to SB 1455. This bill received Governor's recommendations.

*Patron - Ransone*

**HB1719 Campaign Finance Disclosure Act of 2006; applicability to certain candidates for town offices.** Makes the provisions of the Campaign Finance Disclosure Act (the Act) applicable to any candidate for a town office in a town with a population of less than 25,000 if such candidate accepts contributions or makes expenditures in excess of \$25,000. Currently, the Act does not apply to town elections in a town with a population of less than 25,000 unless an ordinance in that town provides otherwise. This bill received Governor's recommendations.

*Patron - Hurst*

**HB1790 Absentee voting; certain absentee voters permitted to vote after close of absentee voting location.** Provides that an applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-

person absentee voting closes shall be permitted to cast his absentee ballot that day.

*Patron - Krizek*

**HB2034 General registrars; petition for removal.** Provides for the removal of a general registrar by the circuit court upon a petition signed by a majority of members of the local electoral board. Currently, a local electoral board may remove a general registrar with a majority vote. The bill requires the Virginia Division of Risk Management to assign counsel to the defense of any member of a local electoral board or general registrar subject to a petition for removal, upon that member's or registrar's application. This bill was vetoed by the Governor.

*Patron - McGuire*

**HB2046 Elections; form of ballot; ballot order.** Requires that on any ballot all offices to be elected shall appear before any questions presented to the voters. This bill is identical to SB 1577.

*Patron - McNamara*

**HB2148 Form of ballot; uniformity of names of candidates.** Requires the names of all candidates on the ballots to be in the same font, size, and style.

*Patron - Ingram*

**HB2178 Virginia voter registration system; security plans and procedures; remedying security risks.** Directs the State Board of Elections to promulgate regulations and standards necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies utilized by the counties and cities to maintain and record registrant information. The local electoral boards are also required to develop and update annually written plans and procedures to ensure the security and integrity of the supporting technologies. The local electoral boards are further required to report annually to the Department of Elections on their security plans and procedures. The bill authorizes the Department of Elections to limit a locality's access to the Virginia voter registration system if it is determined that the county or city has failed to develop security plans and procedures or to comply with the security standards established by the State Board; such access would be limited as necessary to address and resolve any security risks or to enforce compliance. Records describing protocols for maintaining the security of the Virginia voter registration system and the supporting technologies utilized to maintain and record registrant information are exempted from the Freedom of Information Act and meetings to discuss such protocols are permitted to be closed pursuant to the provisions of the Freedom of Information Act. The bill requires the State Board of Elections to convene a work group prior to adopting security standards and to establish a standing advisory group of local government IT professionals and general registrars to assist and consult on updates to security standards.

*Patron - Sickles*

**HB2625 Recounts; rules of procedure; multiple simultaneous recounts.** Requires a recount court to issue a written order setting out the rules of procedures fixed by it for the conduct of a recount prior to the commencement of such recount. The bill also directs the State Board of Elections to promulgate standards and instructions for conducting simultaneous recounts of two or more elections in a single election district.

*Patron - Lindsey*

**HB2760 Redistricting; Geographic Information System maps required; review by the Department of Elec-**

**tions.** Requires the clerk of the county, city, or town to send a Geographic Information System (GIS) map, along with the ordinance containing a description of the boundaries, to the local electoral board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services when redistricting local election districts or making any changes to the local election districts or precincts. If a county, city, or town does not have GIS capabilities, the locality may request the Department of Elections to create a GIS map on its behalf and the Department of Elections shall create such a map. The bill requires the Department to review any ordinance and GIS map received and compare the boundaries contained within with the information in the voter registration system to ensure voters have been assigned to the correct districts and to notify localities of any corrections that may be necessary. The Department is further required to maintain and make available on its official website maps showing the current election district and precinct boundaries of each county and city. This bill is identical to SB 1018.

*Patron - Sickles*

**HB2764** **Voter registration; persons assisting with completion or collection of completed voter registration applications; certain identifying information required.** Requires any person who assists an applicant with the completion of a paper voter registration application or collects a completed paper voter registration application directly from an applicant to provide his name and telephone number and indicate the group or organization with which he is affiliated, if any, on the registration application. The bill prohibits any registration application from being denied on the basis of such information not being provided. The measure exempts from such requirement any state or local government employee who assists with the completion of registration applications or who collects completed registration applications as part of his official duties. The identifying information of the person assisting with the completion of an application or collecting a completed paper application shall not be entered into the registration record of the applicant. This bill was vetoed by the Governor.

*Patron - Wilt*

**HB2790** **Absentee voting; no-excuse in-person voting available beginning on second Saturday immediately preceding election.** Allows for any registered voter to vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting with an absentee ballot by mail or in person prior to the second Saturday immediately preceding the election, including the application requirement and the list of statutory reasons for absentee voting. The provisions of the bill do not become effective until the November 3, 2020, general election, and the State Board of Elections is required to submit a report on the procedures and instructions it promulgates for conducting absentee voting pursuant to the provisions of the bill. This bill is identical to SB 1026.

*Patron - Rush*

**SB1018** **Redistricting; Geographic Information System maps required; review by the Department of Elections.** Requires the clerk of the county, city, or town to send a Geographic Information System (GIS) map, along with the ordinance containing a description of the boundaries, to the local electoral board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services when redistricting local election districts or making any

changes to the local election districts or precincts. If a county, city, or town does not have GIS capabilities, the locality may request the Department of Elections to create a GIS map on its behalf and the Department of Elections shall create such a map. The bill requires the Department to review any ordinance and GIS map received and compare the boundaries contained within with the information in the voter registration system to ensure voters have been assigned to the correct districts and to notify localities of any corrections that may be necessary. The Department is further required to maintain and make available on its official website maps showing the current election district and precinct boundaries of each county and city. This bill is identical to HB 2760.

*Patron - Chase*

**SB1026** **Absentee voting; no-excuse in-person voting available beginning on second Saturday immediately preceding election.** Allows for any registered voter to vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting with an absentee ballot by mail or in person prior to the second Saturday immediately preceding the election, including the application requirement and the list of statutory reasons for absentee voting. The provisions of the bill do not become effective until the November 3, 2020, general election, and the State Board of Elections is required to submit a report on the procedures and instructions it promulgates for conducting absentee voting pursuant to the provisions of the bill. This bill is identical to HB 2790.

*Patron - Spruill*

**SB1038** **Voter registration; verification of social security numbers; provisional registration status.** Requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (State Board) before registering such applicant. If the information provided by the applicant does not match the information in such a database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot, but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with current law, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this measure and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access. The bill has a delayed effective date of July 1, 2021. This bill was vetoed by the Governor.

*Patron - Peake*

**SB1042** **Voter registration; notification of denial.** Requires the general registrars to notify a person whose registration has been denied within 14 days of the denial and provides that a person denied registration may appeal such denial by filing a petition within 10 days of being notified of the denial. Currently, the law simply requires that such notice be made promptly and that the appeal be filed within 10 days after the denial.

*Patron - Marsden*

**SB1087** **Election districts; remedying split precincts; technical adjustments permitted.** 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. This bill received Governor's recommendations.

*Patron - Obenshain*

**SB1244** **Voter registration; protected voter; foster parents.** Adds to the list of protected voters any person who has been approved to be a foster parent pursuant to law. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants.

*Patron - Reeves*

**SB1455** **State Board of Elections; membership; appointment of Commissioner of Elections.** Increases the membership of the State Board of Elections from three members to five members and increases the terms of Board members from four years to five years. Representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill also grants to the Board the authority to appoint the Commissioner of Elections, subject to confirmation by the General Assembly, and to remove the Commissioner of Elections. The appointment or removal of the Commissioner shall require an affirmative vote of four of the five Board members. The bill has a delayed effective date of January 1, 2020. This bill is identical to HB 1620. This bill received Governor's recommendations.

*Patron - Vogel*

**SB1564** **State Board of Elections; regulations for reviewing and processing candidate petitions.** Directs the State Board of Elections to revise its processes and associated regulations for reviewing and processing candidate petitions. The revised regulations are required to provide a process for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration was canceled, for tracking information associated with candidate petitions, and for escalating cases of suspected fraud to an appropriate entity. The bill requires the State Board to promulgate these regulations on or before January 1, 2020.

*Patron - Lewis*

**SB1577** **Elections; form of ballot; ballot order.** Requires that on any ballot all offices to be elected shall appear

before any questions presented to the voters. This bill is identical to HB 2046.

*Patron - Suetterlein*

**SB1579** **Standards and criteria for congressional and state legislative districts.** 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. The criteria set out would apply to those districts drawn following the 2020 United States Census and thereafter. This bill received Governor's recommendations.

*Patron - Suetterlein*

**SB1781** **Contests of certain elections; location of proceeding to contest.** Clarifies that a proceeding to contest (i) a primary election for the United States House of Representatives, the Virginia Senate, the House of Delegates, or any county, city, town, or district office or (ii) an election to any county, city, town, or district office shall be in the circuit court of the county or city that the challenged candidate listed as his residency on his certificate of candidate qualification. Currently, the law provides that such proceeding be in the county or city in which the challenged candidate resides.

*Patron - Obenshain*

## Failed

**HB1615** **Elections; date of June primary election.** 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.

*Patron - Landes*

**HB1617** **Campaign finance; prohibited personal use of campaign funds; civil penalty.** Adds a definition of "personal use of campaign funds" and prohibits the use of contributions, or conversion of items acquired using contributions, to a candidate or campaign committee for a strictly personal purpose with no intended, reasonable, or foreseeable benefit to the candidate's campaign or public office. Complaints of alleged violations may be made to the State Board of Elections (the State Board) by any person who contributed to the candidate or candidate's campaign committee. The subject of the complaint has 30 days to either (i) reimburse the campaign committee the complained-of amount or (ii) provide to the State Board documentation or other evidence that the use of the campaign funds had an intended, reasonable, or foreseeable benefit to the campaign or the candidate's public office. If the subject of the complaint provides such documentation or other evidence, the State Board shall review the response made by the subject of the complaint and determine whether the use of campaign funds had any intended, reasonable, or foreseeable benefit to the campaign or the candidate's public office. The State Board shall assess a civil penalty, in an amount not to exceed \$250, against a complaining party who is found to have filed a frivolous complaint. The bill amends the Freedom of Information Act to allow closed meetings for the State Board to review complaints related to the personal use of campaign funds. If the State Board determines that there were no intended, reasonable, or foreseeable benefits and the complained-of amount has not been reimbursed, it shall call a public hearing. If the complaining party declines to participate in the hearing, the complaint shall be dismissed. A person found by a unanimous vote of the State Board to have willfully and knowingly violated the prohibition on personal use of campaign funds must repay to the campaign committee the amount

unlawfully converted to the personal use of the candidate or a member of the candidate's immediate family and must return to the complaining party the full amount of the complaining party's contribution to the campaign. The State Board may also assess an additional civil penalty, in an amount not to exceed \$250. The person found to be in violation may seek review under the Administrative Process Act. The bill authorizes the Virginia Conflict of Interest and Ethics Advisory Council (the Council) to issue formal advisory opinions regarding the provisions governing the personal use of campaign funds pursuant to the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.). A person who has relied on such an opinion in good faith after he provides full disclosure of the facts will not be subject to the penalties outlined in the bill. In addition, the Council will be required to develop and publish guidance on the provisions of the Campaign Finance Disclosure Act that prohibit the personal use of campaign funds. The bill has an effective date of July 1, 2020.

*Patron - Cole*

**HB1628 Absentee voting; eligibility of persons age 65 or older.** Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.

*Patron - Hayes*

**HB1641 Absentee voting; no-excuse absentee.** 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.

*Patron - Herring*

**HB1658 Vote by mail; pilot program.** Requires the Department of Elections to develop a pilot program for conducting elections by mail. In a vote-by-mail election, a ballot is mailed to every registered voter, and the ballots are returned by the voters by mailing the ballot to the office of the general registrar, by delivering the ballot in person to the office of the general registrar, or by depositing the ballot at a drop-off location. The bill allows any county or city to apply to participate in the pilot program, subject to approval by the State Board, and requires participating localities to provide a report on 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 to the Governor, the General Assembly, and the House and Senate Committees on Privileges and Elections on the pilot program, including a recommendation as to whether all elections in the Commonwealth should be conducted by mail. The bill has an expiration date of December 31, 2022.

*Patron - Rodman*

**HB1699 Campaign finance; prohibited personal use of campaign funds; civil penalty.** Prohibits any person from making personal use of campaign contributions to a candidate or his campaign committee, or of items acquired using such contributions, for a strictly personal purpose that has no intended, reasonable, or foreseeable benefit to the candidate's campaign or public office. Any person who contributes to a candidate or a candidate's campaign committee or who is qualified to vote for a candidate may file a written complaint with the State Board of Elections (State Board) alleging a violation of the personal use prohibition by such candidate, and the State Board is tasked with reviewing the specific use alleged in the complaint. Additionally, the State Board may initiate a review of a specific use of campaign contributions on its own motion. The subject of the review has 30 days to either (i) reimburse the campaign committee the complained-of amount

or (ii) provide to the State Board documentation or other evidence that the use of the campaign funds had an intended, reasonable, or foreseeable benefit to the campaign or the candidate's public office. If the subject of the review provides such documentation or other evidence, the State Board shall review the response and determine whether the use of campaign funds had any intended, reasonable, or foreseeable benefit to the campaign or the candidate's public office. If the State Board determines that there were no intended, reasonable, or foreseeable benefits and the complained-of amount has not been reimbursed, it shall call a public hearing. A person found by a unanimous vote of the State Board to have willfully and knowingly violated the prohibition on personal use of campaign funds must repay to the campaign committee the amount unlawfully converted to the personal use of the candidate or a member of the candidate's immediate family. The State Board may also assess an additional civil penalty, in an amount not to exceed \$1,000. The bill also authorizes the State Board to provide, upon request, to any person subject to the personal use prohibition a formal advisory opinion regarding a specific use of campaign funds. The bill also requires the State Board to develop and publish guidance on the personal use prohibition.

*Patron - Simon*

**HB1707 Campaign finance; audits of campaign finance reports; certain campaign committees.** 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.

*Patron - Kory*

**HB1717 Employment discrimination; prohibited against electoral board members and assistant general registrars for election day service; penalty.** Prohibits discrimination in employment against electoral board members and assistant general registrars on the basis of election day service. Current law prohibits such employment discrimination against officers of election. A violation of the bill's provisions is a Class 3 misdemeanor.

*Patron - Gooditis*

**HB1726 Distribution of mail voter registration application forms; certain public and private institutions of higher education.** Requires the Department of Elections to provide a reasonable number of mail voter registration applica-

tion 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.

*Patron - Rodman*

**HB1794** **Elections; early voting.** Allows any registered voter to vote early in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill requires that early voting be available beginning the fifteenth day prior to any general election, the seventh day prior to any special election held on a date other than the date of a general election, and the seventh day prior to any primary election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill further requires early voting to be available during regular business hours each weekday during the applicable period, from 9:00 a.m. to 5:00 p.m. on each Saturday during the applicable period, and from 12:00 p.m. to 4:00 p.m. on each Sunday during the applicable period. The bill removes the current provisions for voting absentee in person but retains those provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons that allow a registered voter to vote absentee by mail.

*Patron - VanValkenburg*

**HB1829** **Public campaign financing; counties and cities may establish for certain offices.** 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.

*Patron - Simon*

**HB1904** **Voter registration; registration on election day; registration of provisional voters; close of registration records.** Provides that persons who are otherwise qualified to register to vote are entitled to register to vote and cast a ballot in person in the office of the general registrar, or at another location or locations in the county or city approved by the electoral board, on the day of the election. Additionally, the provisional ballot of a person who is required to vote a provisional ballot because his name does not appear on the pollbook shall be counted if the general registrar determines during the canvass that the person was qualified for registration based upon the application for registration submitted by the person with his provisional ballot. The bill also requires registration records to be closed for the purpose of registering voters during the three days prior to any election. Currently, the registration records are required to be closed for this purpose during the 21 days prior to a primary or general election, six days prior to certain special elections, and 13 days prior to other special elections. The bill adjusts other deadlines to reflect this change.

*Patron - Simon*

**HB1929** **Campaign finance; disclosure of all out-of-state contributors.** Requires all campaign finance reports to itemize each contributor who is not a resident of Virginia

and disclose certain information regardless of the amount of the contribution. Current disclosure laws continue to apply for (i) contributions from residents of Virginia that are \$100 or less in the aggregate and (ii) contributions that are in excess of \$100 in the aggregate, regardless of the residency of the contributor.

*Patron - Yancey*

**HB1958** **Campaign finance; political action committees established and administered by investor-owned electric utilities; contribution limitation; special reporting requirement.** Prohibits political action committees established and administered by one or more investor-owned electric utilities from making any single contribution, or any combination of contributions, that exceed \$500 to any single campaign committee in any one election cycle and requires such political action committees to report any contribution made to a campaign committee by the end of the day following the day the contribution is made. Campaign committees are prohibited from knowingly soliciting or accepting contributions in excess of that limit from such political action committees and are also required to report any contribution knowingly received from such political action committees, regardless of the amount of the contribution or when the contribution is made, by the end of the day following the day of the receipt of the contribution. The bill prohibits investor-owned electric utilities that have not established and are not acting as a political action committee in accordance with law from making any contributions to campaign committees.

*Patron - Toscano*

**HB1959** **Absentee voting; no-excuse in-person available 21 days prior to election.** Allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting.

*Patron - Toscano*

**HB1977** **Voter identification; accepted forms of identification.** 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.

*Patron - Sullivan*

**HB1993** **Recounts; special election to be held in the case of a tie vote.** Provides that if, after a recount of an election, the recount court finds that each party to the recount has received an equal number of votes, there shall be a special election to determine which candidate is elected to the office. This provision would not apply in cases of recounts of elections for Governor, Lieutenant Governor, or Attorney General; the Constitution of Virginia sets out the process for determining a winner in the case of tie votes for statewide offices.

*Patron - Price*

**HB1996** **Standards and criteria for congressional and state legislative districts.** Provides criteria by which congressional and state legislative districts are to be drawn, including equal population, compactness and contiguity, racial and

ethnic fairness, protection of racial and language minorities to participate and elect a preferred candidate, and respect for existing political boundaries and communities of interest. The bill prohibits the use of political data when drawing districts. There is a delayed effective date of April 1, 2020.

*Patron - Price*

**HB2048 Elections; date of June primary election and May general election.** 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 to the June primary. The bill changes the date of the general election held in May from the first Tuesday in May to the second Tuesday in May. The bill does not change candidate filing deadlines associated with the May general election.

*Patron - McGuire*

**HB2069 Campaign finance; prohibited contributions to candidates.** 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.

*Patron - Bell, John J.*

**HB2092 Campaign finance; direct contributions from corporations and business entities prohibited; limitations on use of certain funds by political action committees.** Prohibits any corporation or business entity that has not established and is not acting as a political action committee pursuant to Article 4 (§ 24.2-949 et seq.) of the Campaign Finance Disclosure Act of 2006 from making any contribution to a candidate or campaign committee. The bill also prohibits candidates and campaign committees from knowingly soliciting or accepting any contribution from any corporation or business entity. The bill also prohibits political action committees established and administered by a business entity or corporation from making a contribution or expenditure utilizing business or corporate funds obtained in any commercial transaction. All political action committees are prohibited from making contributions or expenditures by utilizing money or anything of value secured by physical force, job discrimination, financial reprisal, or threat of force, job discrimination, or financial reprisal, or as a condition of employment. The bill defines “business entity” as limited liability companies, partnerships, limited partnerships, or business trusts, and “corporation” as domestic or foreign stock corporations or nonstock corporations.

*Patron - Guzman*

**HB2097 Elections for certain offices; ranked choice voting; pilot program.** Provides that elections for local and constitutional offices may be conducted by ranked choice voting, which the bill describes as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds in each of which either a candidate or candidates are elected or the last-place candidate is defeated, and (iii) tabulation ends when the number of candidates elected equals the number of offices to be filled. The provisions of the bill expire on July 1, 2024.

*Patron - Freitas*

**HB2130 Election laws; time off to vote.** Requires employers to give their employees sufficient time off to vote, which shall be either before the employees' shifts begin or after their shifts end, unless otherwise agreed to by the employer and employee. The employer is required to pay employees for up to two hours of time off to vote. The bill requires the employer to give at least three days' notice of his intention to

take voting leave and requires employers to post notice of the provisions of the bill at least 10 days prior to every election.

*Patron - Guzman*

**HB2204 Polling place procedures; full residence address of voter not announced.** Removes the requirement that the officer of election audibly repeat the address of a voter offering to vote. The bill does not change the requirement for the officer of election to audibly repeat the voter's full name.

*Patron - Filler-Corn*

**HB2266 Voter registration; confirmation of citizenship; E-Verify program.** Requires the Department of Elections to apply to participate in the E-Verify program operated by the U.S. Department of Homeland Security in partnership with the Social Security Administration for the purpose of verifying that voters listed in the Virginia voter registration system are United States citizens. General registrars are required to use information obtained from the program to determine the eligibility of persons registering to vote when the citizenship status of an applicant is in question and to remove from the voter registration rolls those individuals found to not be citizens of the United States.

*Patron - Poindexter*

**HB2390 Voter registration; automatic voter registration.** 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 Department of Motor Vehicles records indicate that he (a) is a United States citizen, (b) is 17 years of age or older, and (c) 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 already registered to vote, the Department of Elections is required to take certain steps to update the voter's registration records. If the person is not already registered to vote, the Department of Elections is required to verify that the person meets all voter eligibility requirements and, if so finding, 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.

*Patron - Lopez*

**HB2422 Presidential electors; National Popular Vote Compact.** Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the United States Constitution gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the compact, Virginia agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring within six

months of the end of a President's term shall not become effective until a President or Vice President has qualified to serve the next term.

*Patron - Levine*

**HB2447 Super precincts; pilot program.** 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 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 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, 2023.

*Patron - Wilt*

**HB2565 Voter identification; repeal of photo identification requirements.** 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 requirements for certain voters pursuant to the federal Help America Vote Act of 2002.

*Patron - Kory*

**HB2588 Electronic return of voted military-overseas ballots; blockchain; pilot program.** Directs the Commissioner of Elections to establish and supervise a pilot program by which an active duty member of a uniformed service who has been deployed overseas and is a registered voter of a county or city participating in such pilot program may return his voted military-overseas ballot by electronic means. The Commissioner is required to promulgate standards and develop procedures for the secure transmission and return, storage, and processing of voted military-overseas ballots, including security measures, methods for verifying and authenticating a voter's identity, and encryption methods for the voted ballots. To the fullest extent practicable, these standards and procedures are required to incorporate the use of blockchain technology, defined in the bill as technology using distributed databases and ledgers protected against revision by publicly verifiable open source cryptographic algorithms and protected from data loss by distributed records sharing. The bill requires counties and cities participating in the pilot program to participate in a security review after each election. In each year of the pilot program, the bill requires the Commissioner to conduct a

security assessment and update the security measures for the pilot program. The bill also requires that voters eligible to return their military-overseas ballots by electronic means through the pilot program be permitted to sign the statement of voter and any other documents related to absentee voting using the digital signature associated with their respective Common Access Cards issued by the U.S. Department of Defense. The pilot program is in effect for elections held on and after January 1, 2020. The bill requires the Commissioner to submit a report on or before December 1, 2024, on the outcomes of the pilot program and to include a recommendation as to whether to implement the electronic return of voted military-overseas ballots on a permanent, statewide basis. The bill has an expiration date of December 31, 2024.

*Patron - Rush*

**HB2682 Absentee voting; deadline for returning absentee ballot.** 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.

*Patron - Sickles*

**HB2683 Polling places; extending hours.** Extends from 7:00 p.m. to 8:00 p.m. the time at which the polls close on election day. The bill aligns deadlines related to candidate filings and political party nominations with the closing of polls. The bill contains technical amendments.

*Patron - Turpin*

**HB2709 Elections; early voting.** Allows any registered voter to vote early in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill requires that early voting be available beginning the twenty-first day prior to any general election, the seventh day prior to any special election held on a date other than the date of a general election, and the seventh day prior to any primary election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill further requires early voting to be available during regular business hours each weekday during the applicable period, from 8:00 a.m. to 5:00 p.m. on each Saturday during the applicable period, and from 12:00 p.m. to 4:00 p.m. on each Sunday during the applicable period. The bill removes the current provisions for voting absentee in person but retains those provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons that allow a registered voter to vote absentee by mail. The provisions of the bill are applicable to elections beginning with the November general election in 2020; the bill requires the State Board of Elections to report on or before December 1, 2019, on the instructions and procedures promulgated by the State Board of Elections for conducting early voting.

*Patron - Sullivan*

**HB2716 Elections and voter registration; early voting; same day voter registration.** Provides for early voting beginning the twenty-first day prior to any general election, the seventh day prior to any special election held on a date other than the date of a general election, and the seventh day prior to any primary election and ending at 5:00 p.m. on the Saturday immediately preceding the election, during which any registered voter may vote without providing a reason or making a prior application for an absentee ballot. During the early voting period, any person who is qualified to register to vote shall be permitted to register to vote and cast a ballot in person in the office of the general registrar or at another location in the county or city approved by the electoral board. The bill also

permits such persons to do so on the day of the election. The bill removes the current provisions for voting absentee in person but retains those provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons that allow a registered voter to vote absentee by mail.

*Patron - Bagby*

**HB2732 Campaign finance; campaign contribution limits; civil penalty.** Limits campaign contributions for statewide elections.

*Patron - Toscano*

**HB2751 Elections for members of a county board of supervisors or city council; ranked choice voting.** Provides that elections of members of a county board of supervisors or a city council may be conducted by ranked choice voting, which the bill describes as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds in each of which either a candidate or candidates are elected or the last-place candidate is defeated, and (iii) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill provides that any costs incurred by the Department of Elections related to technological changes necessary for the implementation of ranked-choice voting pursuant to the bill shall be charged to the localities exercising the option to proceed with ranked-choice voting. The bill has a delayed effective date of July 1, 2020.

*Patron - Toscano*

**HB2757 Recounts; procedure for certain ballots.** Requires recount officials to segregate all ballots for which there is a question regarding the ballot's validity prior to beginning the redetermination of the vote in another precinct. The bill provides that only those ballots segregated at the time of each precinct's redetermination of the vote may be submitted to the court as part of the recount process.

*Patron - Levine*

**HB2774 Minority language accessibility; voting and election materials.** 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 5-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.

*Patron - Tran*

**HB2781 Procedures at polling place; announcing voter's address.** Removes the requirement that the officer of election audibly repeat the address of a voter offering to vote.

The bill does not change the requirement for the officer of election to audibly repeat the voter's full name.

*Patron - Ward*

**HB2787 Virginia voter registration system; security plans and procedures; remedying security risks.** Requires the State Board of Elections to promulgate regulations to ensure the security and integrity of the Virginia voter registration system.

*Patron - Rush*

**SB1002 Electors for President and Vice President; allocation of electoral votes by congressional district.** Revises the process by which the Commonwealth's electoral votes are allocated among the states of presidential electors. The bill provides that a voter will vote for two electors for the Commonwealth at large and one elector for the congressional district in which he is qualified to vote. The candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the two electoral votes for the Commonwealth at large, and the candidates for President and Vice President receiving the highest number of votes cast in each congressional district are allocated the one electoral vote for that congressional district. Currently, the candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the total number of the Commonwealth's electoral votes.

*Patron - Chase*

**SB1003 Congressional and state legislative districts.** 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.

*Patron - Chase*

**SB1016 Form of ballot; party identification of certain candidates.** 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.

*Patron - Chase*

**SB1035 Absentee voting; no-excuse absentee.** 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.

*Patron - Locke*

**SB1051 Precincts; wholly contained within single election district.** Requires each precinct to be wholly contained within a single congressional or 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.

*Patron - Peake*

**SB1063** **Voter registration; automatic voter registration.** 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 Department of Motor Vehicles records indicate that he (a) is a United States citizen, (b) is 17 years of age or older, and (c) 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 already registered to vote, the Department of Elections is required to take certain steps to update the voter's registration records. If the person is not already registered to vote, the Department of Elections is required to verify that the person meets all voter eligibility requirements and, if so finding, 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.

*Patron - Marsden*

**SB1075** **Absentee voting; no-excuse in-person available 21 days prior to election.** Allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting.

*Patron - Howell*

**SB1102** **Congressional and legislative district boundaries; alignment with boundaries of counties and cities; review of a voter's registration.** 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 congressional 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, and (iii) reported by those localities to the United States Bureau of the Census. 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.

*Patron - Peake*

**SB1114** **Campaign finance; prohibited contributions to candidates.** 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.

*Patron - Petersen*

**SB1146** **Campaign contribution limits; civil penalty.** Prohibits persons, other than political party committees, and political action committees 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 which no more than \$5,000 may be contributed for the primary election or other nominating event for the office the candidate is seeking. Contributions made on or prior to the date of the primary election or nominating event shall be subject to the contribution limits for the primary election or other nominating event, 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.

*Patron - Petersen*

**SB1198** **Absentee voting; no excuse required when voting in person.** Provides that any registered voter may vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason for being unable to vote in person on election day. The bill retains the statutory list of reasons allowing a voter to cast an absentee ballot by mail.

*Patron - Dance*

**SB1206** **Elections; early voting.** Allows any registered voter to vote early in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill requires that early voting be available beginning the thirtieth day prior to any general election, the seventh day prior to any special election held on a date other than the date of a general election, and the seventh day prior to any primary election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill further requires early voting to be available during regular business hours each weekday during the applicable period, from 9:00 a.m. to 5:00 p.m. on each Saturday during the applicable period, and from 12:00 p.m. to 4:00 p.m. on each Sunday during the applicable period. The bill removes the current provisions for voting absentee in person but retains those provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons that allow a registered voter to vote absentee by mail.

*Patron - Stuart*

**SB1243** **Elections; date of June primary election.** 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.

*Patron - Reeves*

**SB1250** **Voter registration; absentee voting; prohibited changes to voter registration record.** Prohibits changes to the registration record of a registered voter who has been sent or provided an absentee ballot from being put into

effect until after the election for which he was sent or provided an absentee ballot. The changes are still processed when made or requested by the registered voter. The prohibition applies to registration transactions by electronic means. The bill requires the Department of Elections to provide instructions to the general registrars for enrolling the name and address of voters to whom an absentee ballot is sent or provided into the Virginia voter registration system and for checking the registration record to determine whether a registered voter has been sent or provided an absentee ballot when receiving a request for a change to the registration record.

*Patron - Reeves*

**☐ SB1281 Voter identification; expiration date of Virginia driver's license not considered.** 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.

*Patron - Barker*

**☐ SB1284 County and city precincts; required to be wholly contained within election districts; waiver for administration of split precinct.** Requires each county and city precinct to be wholly contained within a single congressional district, Senate district, House of Delegates district, or 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.

*Patron - Barker*

**☐ SB1311 State Board of Elections; membership; Commissioner of Elections.** Increases the membership of the State Board of Elections from three members to five members, with representation given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the last preceding gubernatorial election. Three Board members are to be of the party of the Governor. Terms of Board members are initially staggered. The Governor shall designate one member of the Board as the Commissioner of Elections to head the Department of Elections and to act as the principal administrative officer. The Commissioner shall also serve as the chair of the Board. The bill requires the Board to submit an annual report to the Governor and the General Assembly. The bill has a delayed effective date of January 1, 2020.

*Patron - Edwards*

**☐ SB1327 Standards and criteria for congressional and state legislative districts.** Provides criteria by which congressional and state legislative districts are to be drawn, including equal population, compactness and contiguity, racial and ethnic fairness, protection of racial and language minorities to participate and elect a preferred candidate, and respect for existing political boundaries and communities of interest. The bill prohibits the use of political data when drawing districts. There is a delayed effective date of April 1, 2020.

*Patron - McClellan*

**☐ SB1447 Voter identification; repeal of photo identification requirements.** 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 requirements for certain voters pursuant to the federal Help America Vote Act of 2002.

*Patron - Locke*

**☐ SB1453 Elections; date of June primary election.** 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.

*Patron - Vogel*

**☐ SB1497 Campaign contribution limits; civil penalty.** Prohibits a person, other than a political party committee or political action committee, from making any single contribution, or any combination of contributions, that exceeds \$2,500 to any one candidate for the General Assembly or \$5,000 to any one candidate for Governor, Lieutenant Governor, or Attorney General in any single calendar year. Political action committees are prohibited from making any single contribution or any combination of contributions that exceeds \$5,000 to any one candidate for the General Assembly or \$10,000 to any one candidate for Governor, Lieutenant Governor, or Attorney General in any single calendar year. 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.

*Patron - Ebbin*

**☐ SB1552 Absentee voting; alternative locations for in-person absentee voting.** Provides that the alternative locations approved by the electoral boards for absentee voting in person prior to election day shall be in a public facility owned or leased by the city, the county, or a town within the county, at which all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location are adequately protected and secured. Currently, the law limits the electoral boards to approving alternative locations only in public buildings.

*Patron - Surovell*

**☐ SB1571 Electronic voter registration; application by electronic means; U.S. Department of Defense-issued identification.** Provides that, pursuant to an agreement between the Department of Elections and the U.S. Department of Defense, applicants registering to vote by electronic means may do so using a Department of Defense-issued identification card.

*Patron - Lewis*

**☐ SB1664 Absentee voting; prohibiting release of absentee voter applicant list.** 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, are provided an electronic copy of the list.

*Patron - Spruill*

**SB1672 Absentee voting; no-excuse absentee.** 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.

*Patron - Locke*

**SB1731 Elections for members of a county board of supervisors or city council; ranked choice voting.** Provides that elections of members of a county board of supervisors or a city council may be conducted by ranked choice voting, which the bill describes as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds in each of which either a candidate or candidates are elected or the last-place candidate is defeated, and (iii) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill provides that any costs incurred by the Department of Elections related to technological changes necessary for the implementation of ranked-choice voting pursuant to the bill shall be charged to the localities exercising the option to proceed with ranked-choice voting. The bill has a delayed effective date of July 1, 2020.

*Patron - Ebbin*

## Eminent Domain

### Passed

**SB1421 Eminent domain; entry upon private property; calculation of just compensation; damages.** Makes various changes to provisions related to entry upon private property in an eminent domain proceeding, including (i) requiring that the number of persons for whom permission to inspect the premises is sought be included in a request for permission to inspect private property for the purposes of a project wherein the power of eminent domain may be exercised; (ii) requiring the notice of intent to enter the property to include all of the information contained in the request for permission to inspect the property; (iii) requiring the court to award fees for up to three experts or as many experts as are called by the petitioner at trial, whichever is greater, if the petitioner damages the property during its entry; (iv) removing the requirement that the damage must be done maliciously, willfully, or recklessly for the owner to be reimbursed for his costs; and (v) removing the option that the owner may be reimbursed for his costs if the court awards the owner actual damages in an amount 30 percent or more greater than the petitioner's final written offer made no later than 30 days after the filing of an answer in circuit court or the return date in general district court.

The bill also provides the method by which just compensation for the taking of property in an eminent domain proceeding is calculated. The bill provides that the body determining just compensation shall ascertain the value of the property to be taken and the damages, if any, that may accrue to the residue beyond the specific enhancement in value, if any. The bill further outlines the considerations that may be used to determine the market value of the property before the taking and the residue after the taking.

Finally, the bill allows a person to recover damages resulting from reformation, alteration, revision, amendment, or invalidation of a certificate in an eminent domain proceeding. The bill provides that an owner may recover costs incurred if the taking of land in an eminent domain proceeding is abandoned, in full or in part. The bill does not apply to condemnation proceedings in which the petitioner filed, prior to July 1, 2019, a petition in condemnation or a certificate of take or deposit.

*Patron - Obenshain*

### Failed

**SB1039 Eminent domain; commissioners.** Removes the option by a land owner in a condemnation proceeding of selecting commissioners instead of jurors to determine just compensation. Under the bill, the land owner would be able to elect that just compensation be determined by a jury; if he does not make such an election, the court would make such a determination.

*Patron - Peake*

**SB1403 Eminent domain; costs.** 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.

*Patron - Petersen*

**SB1404 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.

*Patron - Petersen*

## Financial Institutions and Services

### Passed

**HB2251 Mortgage loan originators.** Repeals provisions relating to the issuance of transitional mortgage loan originator licenses and replaces them with provisions granting temporary authority to act as a mortgage loan originator. The bill conforms Virginia's law with requirements in the federal Economic Growth, Regulatory Relief, and Consumer Protection Act. The measure also conforms provisions related to the expiration of mortgage loan originator pre-licensure education courses.

*Patron - Marshall*

**HB2284 Debt management plans.** Exempts banks, savings institutions, and credit unions from Chapter 20 of Title 6.2, which provides for the Bureau of Financial Institution's regulation of agencies that provide debt management plans.

*Patron - Heretick*

**HB2298 Banks; directors' meetings.** Removes the ability of a bank's shareholders to fix the number that constitutes a quorum for a meeting of the bank's board of directors at not less than five. In its place, the measure authorizes a bank's shareholders to adopt a bylaw setting as a quorum a number that is not less than a majority of the bank's directors. This bill is identical to SB 1272.

*Patron - O'Quinn*

**HB2419 Banks; capital stock.** Repeals a provision that bars the State Corporation Commission from authorizing a bank to commence business if commissions or other compensation have been paid by the bank for the sale of stock in the bank. The measure also removes the requirement that both organizing directors of a bank be bonded for an amount equal to the total amount of money to be collected before the bank opens for business through stock subscriptions or from purchases of the bank's stock. This bill is identical to SB 1609.

*Patron - Yancey*

**HB2690 Money transmitters.** Requires money transmitters to be licensed through the National Multistate Licensing System and Registry (NMLS). The bill increases, from five percent to 10 percent, the interest that a person is required to own or control in a limited liability company in order to be subject to requirements applicable to members. The bill also (i) changes the due date for the \$750 annual license renewal fee from September 1 to December 31 and requirements pertaining to license renewal and (ii) authorizes reports and filings to be submitted to the Commissioner through the NMLS if the NMLS is able to receive them.

*Patron - Kilgore*

**SB1272 Banks; directors' meetings.** Removes the ability of a bank's shareholders to fix the number that constitutes a quorum for a meeting of the bank's board of directors at not less than five. In its place, the measure authorizes a bank's shareholders to adopt a bylaw setting as a quorum a number that is not less than a majority of the bank's directors. This bill is identical to HB 2298.

*Patron - Sturtevant*

**SB1609 Banks; capital stock.** Repeals a provision that bars the State Corporation Commission from authorizing a bank to commence business if commissions or other compensation have been paid by the bank for the sale of stock in the bank. The measure also removes the requirement that both organizing directors of a bank be bonded for an amount equal to the total amount of money to be collected before the bank opens for business through stock subscriptions or from purchases of the bank's stock. This bill is identical to HB 2419.

*Patron - Saslaw*

## Failed

**HB1760 Qualified education loan servicers.** Prohibits any person from acting as a qualified education loan servicer except in accordance with provisions established by this bill. The bill requires a loan servicer to obtain a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks, savings institutions, credit unions, and nonprofit institutions of higher education are exempt from the licensing provisions. The servicing of a qualified education loan encompasses (i) receiving any scheduled periodic payments from a qualified education loan borrower pursuant to the terms of a qualified education loan; (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to

the terms of a qualified education loan; and (iii) performing other administrative services with respect to a qualified education loan. Qualified education loan servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a qualified education loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying loan payments to the outstanding balance of a qualified education loan; and (c) failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau. Violations are subject to a civil penalty not exceeding \$2,500. The bill has a delayed effective date of October 1, 2020, but provides that applications shall be accepted, and investigations commenced, by the SCC beginning March 1, 2020.

*Patron - Simon*

**HB2196 Debt settlement services; civil penalties.**

Establishes procedures and requirements for the licensure by the State Corporation Commission of agencies providing debt settlement services. The measure defines debt settlement services as any action or negotiation initiated or taken by or on behalf of any consumer with any creditor of the consumer for the purpose of obtaining debt forgiveness of a portion of the credit extended by the creditor to the consumer or reduction of payments, charges, or fees payable by the consumer. The measure authorizes the Commission to issue one license to engage in the business of providing or offering to provide debt management plans, debt settlement services, or both. The measure prohibits licensed debt settlement services agencies from accepting fees from consumers prior to providing the consumers' requested debt settlement services. The measure makes licensees offering debt settlement services subject to requirements currently applicable to licensees providing debt management plans. The measure also (i) prohibits certain advertising practices by new licensees, (ii) provides for the assessment of civil penalties, and (iii) grants individual consumers a private right of action. Violations are also a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Rodman*

**HB2630 Open-end credit plans; governing law.**

Provides that an open-end credit plan shall be governed solely by federal law and the laws of the Commonwealth, regardless of whether the seller or lender has a physical location in the Commonwealth. The measure removes a provision that allows another jurisdiction's laws to govern if expressly agreed to in writing by the parties.

*Patron - Yancey*

**HB2706 Credit unions; director compensation.**

Provides that compensation of members of a credit union's board of directors and members of the credit and supervisory committees, including reimbursement for business-related travel, shall be determined by a written policy approved by the board of directors. The measure removes the existing prohibition on compensating members of a credit union's board of directors for services as a member of the board.

*Patron - Bagby*

**HB2725 Credit unions.** Authorizes localities and political subdivisions to hold public deposits in a credit union. The measure allows localities and political subdivisions to become members of a credit union for purposes of placing deposits in and receiving services from the credit union.

*Patron - Carter*

**SB1112 Qualified education loan servicers.** Prohibits any person from acting as a qualified education loan servicer except in accordance with provisions established by this bill. The bill requires a loan servicer to obtain a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks, savings institutions, credit unions, and nonprofit institutions of higher education are exempt from the licensing provisions. The servicing of a qualified education loan encompasses (i) receiving any scheduled periodic payments from a qualified education loan borrower pursuant to the terms of a qualified education loan; (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; and (iii) performing other administrative services with respect to a qualified education loan. Qualified education loan servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a qualified education loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying loan payments to the outstanding balance of a qualified education loan; and (c) failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau. Violations are subject to a civil penalty not exceeding \$2,500. The bill has a delayed effective date of July 1, 2020, but provides that applications shall be accepted, and investigations commenced, by the SCC beginning March 1, 2020.

*Patron - Howell*

**SB1266 Open-end credit plans; penalty.** Requires that any person engaged in the business of extending credit under an open-end credit plan under which interest is charged at an annual rate that exceeds 36 percent obtain a license to do so from the State Corporation Commission. The measure prohibits a person licensed as a motor vehicle title lender from extending credit under an open-end credit plan and prohibits a third party from making open-end credit loans in the office of a licensed motor vehicle title lender. The measure prohibits a person that extends credit under an open-end credit plan under which interest is charged at an annual rate that exceeds 36 percent from (i) obtaining or accepting from a borrower an authorization to electronically debit the borrower's deposit account; (ii) failing to comply with certain restrictions and prohibitions applicable to debt collectors contained in the federal Fair Debt Collection Practices Act; (iii) filing a legal proceeding against a borrower until 60 days after the date of default on an open-end credit plan, during which period the person and the borrower may voluntarily enter into a repayment arrangement; or (iv) causing a person to be obligated to the licensee for a principal amount that exceeds \$500. The measure also makes it a prohibited practice under the Virginia Consumer Protection Act to violate the requirements applicable to extending credit under an open-end credit plan.

*Patron - Saslaw*

**SB1290 Open-end credit plans; governing law.** Provides that an open-end credit plan shall be governed solely by federal law and the laws of the Commonwealth, regardless of whether the seller or lender has a physical location in the Commonwealth. The measure removes a provision that allows another jurisdiction's laws to govern if expressly agreed in writing by the parties.

*Patron - Saslaw*

**SB1548 Consumer finance companies.** Requires the State Corporation Commission, as a condition of licensing a consumer finance company, to find that the applicant will not make consumer finance loans at the same location at which the applicant makes payday loans or motor vehicle title loans. The measure also (i) sets the minimum and maximum amounts of a consumer finance loan at \$500 and \$35,000, respectively; (ii) requires that such loans be installment loans with a term that is not less than six months nor more than 120 months; (iii) sets the maximum annual interest rate on such loans at 36 percent; (iv) authorizes late payment fees of \$20, provided that they are set forth in a contract; (v) authorizes loan processing fees of the greater of \$75 or five percent of the principal amount of the loan but not to exceed \$150; and (vi) increases the amount of a bad check fee from \$15 to \$25.

*Patron - Surovell*

## Fire Protection

Passed

**SB1625 Statewide Fire Prevention Code; definition of permissible fireworks.** Changes the definition of permissible fireworks for purposes of the Statewide Fire Prevention Code to mean any fountains that do not emit sparks or other burning effects to a distance greater than five meters (16.4 feet); wheels that do not emit a flame radius greater than one meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than two meters (78.74 inches); and sparkling devices or other fireworks devices that (i) do not explode or produce a report, (ii) do not travel horizontally or vertically under their own power, (iii) do not emit or function as a projectile, (iv) do not produce a continuous flame longer than 20 inches, (v) are not capable of being reloaded, and (vi) if designed to be ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than four seconds and not more than eight seconds. Current law defines this category of fireworks in more general terms.

*Patron - McPike*

## Fisheries and Habitat of the Tidal Waters

Passed

**HB1779 Riparian planting ground assignment eligibility.** Authorizes the Commissioner of the Marine Resources Commission to assign to a land owner who is eligible to apply for riparian planting grounds only a planting ground that the Commissioner, in his discretion, deems appropriate to encompass as much as one-half acre of ground. The bill authorizes the Commissioner to consider assigning an area that the owner designates within his riparian waters and provides that the assignment shall not extend farther than the nearest edge of the channel or the middle of the body of water, whichever is the shorter distance. The bill removes a provision stating that the fee for such assignment shall be \$1.50.

*Patron - Bloxom*

**HB2047 Oyster-planting grounds; municipal dredging projects; compensation.** Extends the duration of an exception, for municipal dredging, to the right of a person to

lease oyster-planting grounds, and establishes a procedure for determining compensation to such a leaseholder when his grounds are disturbed by such a dredging project.

The bill extends from 2019 to 2035 the sunset date for an exception to the leaseholder's right that allows certain municipal dredging projects to take place in the Lynnhaven River. The bill provides that when such a dredging project is proposed for leased grounds that are subject to beneficial use as oyster-planting grounds, the Commissioner of Marine Resources (the Commissioner) shall review the project to ensure that it avoids affecting such grounds to the maximum extent practicable and, if the project meets such standard, the Commissioner shall notify any leaseholder within the footprint of the proposed navigation channel, requesting a response within 60 days.

The bill then requires the locality to compensate the lessee for the use of the ground by coming to a voluntary agreement or entering into mediation if no agreement is made in 90 days. If the lessee refuses mediation or cannot come to an agreement with the locality within nine months of the offer of mediation, a court of competent jurisdiction shall determine and order fair compensation to the lessee. Finally, the Commission shall hold a hearing on the proposed project. If the compensation has been determined and the project has been approved by the Commission, the Commissioner shall issue the permit for the project. The bill contains technical amendments.

*Patron - Stolle*

**SB1413 Oyster planting grounds; lease assignments.** Authorizes the Commissioner of Marine Resources (the Commissioner) to decide which area within a riparian owner's waters shall be assigned for planting oysters and removes the \$1.50 fee of such assignment. Under current law, such decision is made by the riparian owner. The bill changes various provisions related to oyster-planting grounds, including (i) increasing the application fee for an assignment of general or riparian oyster-planting grounds, (ii) authorizing the Commissioner to consider the public benefits and impacts of shellfish aquaculture or whether a transfer or renewal of an oyster-planting lease is in the public interest when determining whether to allow such transfer or renewal of an assignment, (iii) directing the Marine Resources Commission to adopt regulations related to license renewal fees, and (iv) increasing the application fee for a transfer of an oyster-planting lease. The bill contains an emergency clause.

*Patron - Mason*

## Failed

**HB1769 Management of menhaden.** Requires the Virginia Marine Resources Commission (the Commission) to adopt regulations to implement the Atlantic States Marine Fisheries Commission's Fishery Management Plan for Atlantic Menhaden and authorizes the Commission to adopt regulations for managing the Commonwealth's menhaden fishery. The bill also requires that any moratorium on the fishery be subject to legislative review. The bill repeals several Code sections relating to quotas, allocation of allowable landings, and administrative procedures that will be included in a regulatory framework for managing the fishery.

*Patron - Knight*

**HB2309 Marine Resources Commission; grant of interest in subaqueous lands; federal civil works project; report.** Authorizes the Commonwealth, acting through the Marine Resources Commission, to grant to a political subdivision of the Commonwealth an easement over, or title to, certain beds of the waters of the Commonwealth. The bill requires that the political subdivision receiving such a grant be acting in the

capacity of an official nonfederal sponsor, with the U.S. Army Corps of Engineers, of a federally authorized civil works project and that the grant be necessary to the carrying out of such project.

The bill requires that such a grant be contained in a written instrument that describes by metes and bounds the land in which the interest is granted and is executed by the Attorney General and countersigned by the Governor.

Finally, the bill prohibits any political subdivision that receives a grant of a right or interest as specified in the bill from conveying that right or interest except to the Commonwealth. The bill requires the Commissioner of Marine Resources to report annually to the General Assembly about the grants that have been made during the past year.

*Patron - Stolle*

**HB2661 Saltwater recreational fishing license; exceptions; commercial license holder.** Exempts from the requirements of obtaining a saltwater recreational fishing license a holder of a commercial fishing license and one immediate family member who is accompanying the commercial licensee. The bill prohibits any person fishing pursuant to the exception from fishing on board a vessel that contains gear that is required to be licensed by the Virginia Marine Resources Commission.

*Patron - Ransone*

**SB1046 Management of menhaden.** Requires the Virginia Marine Resources Commission to adopt regulations to implement the Fishery Management Plan for Atlantic Menhaden and authorizes the Commission to adopt regulations for managing the Commonwealth's menhaden fishery. The bill also requires that any moratorium on the fishery be subject to legislative review. The bill repeals several existing codified provisions relating to quotas, allocation of allowable landings, and administrative procedures, which will be included in a regulatory framework for managing the fishery.

*Patron - Cosgrove*

**SB1049 Menhaden fishery.** Directs the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden and requires that any moratorium on the fishery be subject to legislative review.

*Patron - Cosgrove*

**SB1569 Marine Resources Commission; grant of interest in subaqueous lands; federal civil works project; report.** Authorizes the Commonwealth, acting through the Marine Resources Commission, to grant to a political subdivision of the Commonwealth an easement over, or title to, certain beds of the waters of the Commonwealth. The bill requires that the political subdivision receiving such a grant be acting in the capacity of an official nonfederal sponsor, with the U.S. Army Corps of Engineers, of a federally authorized civil works project and that the grant be necessary to the carrying out of such project.

The bill requires that such a grant be contained in a written instrument that describes by metes and bounds the land in which the interest is granted and is executed by the Attorney General and countersigned by the Governor.

Finally, the bill prohibits any political subdivision that receives a grant of a right or interest as specified in the bill from conveying that right or interest except to the Commonwealth. The bill requires the Commissioner of Marine

Resources to report annually to the General Assembly about the grants that have been made during the past year.

*Patron - Lewis*

**SB1573 Offshore oil and gas drilling; prohibition.** Prohibits the Marine Resources Commission or the Department of Mines, Minerals and Energy from granting any lease or permit for oil or gas exploration or drilling, or the construction of oil or gas infrastructure, in the beds of any waters of the Commonwealth. Current law authorizes the granting of oil and gas leases on such state-owned bottomlands, which generally are those subaqueous lands lying within three miles of the shore. The bill also repeals a section of the Code of Virginia stating the Commonwealth's support for federal efforts to explore for natural gas more than 50 miles off shore.

*Patron - DeSteph*

## Game, Inland Fisheries and Boating

### Passed

**HB1613 Penalty for wanton waste.** Changes from a Class 3 misdemeanor to a Class 2 misdemeanor the penalty for violating a regulation prohibiting wanton waste, or the allowing of a killed or crippled game animal or nonmigratory game bird to be wasted without making a reasonable effort to retrieve the animal.

*Patron - Edmunds*

**HB1621 Hunting license; trip hunting license for residents.** Allows Virginia residents to purchase a trip hunting license in lieu of the standard local or statewide hunting license. Current law allows only nonresidents to purchase a trip hunting license.

*Patron - Fowler*

**HB1696 Killing of nuisance species from an automobile.** Authorizes killing a nuisance species on private property by the owner of such property or his designee from a stationary automobile or other stationary vehicle.

*Patron - Fariss*

**HB2252 Firearms ordinances; applicability to property located in multiple localities.** Allows a landowner whose property, including multiple contiguous parcels, spans two or more localities to elect to have the firearms ordinances of the locality in which the largest portion of the contiguous parcel lies apply to anyone hunting on the property. The bill requires any landowner making such an election to notify the Department of Game and Inland Fisheries. This bill received Governor's recommendations.

*Patron - Head*

**HB2796 Watercraft; transfer by operation of law; transfer on death.** States that a watercraft may be transferred by operation of law through the execution of a statement of transfer on death.

*Patron - Yancey*

### Failed

**HB1612 Department of Game and Inland Fisheries; fees; boat ramps.** Removes the use of boat ramps owned by the Department of Game and Inland Fisheries from the list

of exceptions to the requirement that users of certain facilities pay a fee. The bill contains technical amendments.

*Patron - Fowler*

**HB2331 Wildlife Corridor Action Plan; Advisory Council.** Directs the Department of Game and Inland Fisheries (the Department) to create a Wildlife Corridor Action Plan (the Plan) that assesses the connections between core habitat areas, lists potential projects to improve such connections, and provides an action plan for the completion of such projects. The bill requires the Department to submit the Plan, following review, to the Governor and General Assembly by July 1, 2020, and to update the action plan portion of the Plan every five years thereafter.

The bill creates a nine-member Wildlife Corridor Advisory Council (the Council) in the executive branch of state government to review and make recommendations regarding the Plan, including recommendations to the Virginia Department of Transportation (VDOT) regarding road construction projects. The Board's membership shall consist of one nonlegislative citizen member appointed by the Speaker of the House of Delegates; one nonlegislative citizen member appointed by the Senate Committee on Rules; three nonlegislative citizen members to be appointed by the Governor, subject to confirmation by the General Assembly, of whom one shall be a representative of the Virginia Safe Wildlife Corridors Collaborative; the Director of the Department; the Director of the Virginia Department of Conservation and Recreation; the State Forester; and the Commissioner of VDOT.

*Patron - Keam*

**HB2658 Stationary blinds in the public waters; minimum distance from shore.** Provides that no stake or stationary waterfowl blind that is erected in the public waters be located less than 150 yards from a riparian owner's shoreline at the mean low water mark, unless the riparian owner gives written permission to locate the stake or blind closer to shore.

*Patron - Ransone*

**HB2687 Special license for hunting elk.** Authorizes the Board of Game and Inland Fisheries (the Board) to create a special license for hunting elk. Such license shall be required in addition to general hunting licenses. The bill authorizes the Board to establish guidelines (i) related to selection of applicants for eligibility to purchase a special elk license and (ii) permitting the transfer of special elk licenses to individuals or wildlife conservation organizations whose mission is to ensure the conservation of Virginia's wildlife resources. The bill authorizes the Board to establish a nonrefundable application fee of \$15 for residents and \$20 for nonresidents and a special elk license fee at no more than \$40 for residents and \$400 for nonresidents. The bill directs the Board, as funds become available, to utilize a portion of the fees collected for special elk licenses to compensate an owner or lessee of agricultural land for agricultural damage directly caused by elk.

*Patron - Morefield*

**SB1725 Stationary blinds in the public waters; minimum distance from shore.** Provides that no stake or stationary waterfowl blind that is erected in the public waters, except in the waters of Virginia Beach, shall be located less than 150 yards from a riparian owner's shoreline at the mean low water mark, unless the riparian owner gives written permission to locate the stake or blind closer to shore.

*Patron - Stuart*

## General Assembly

### Passed

**HB1889 Virginia Conflict of Interest and Ethics Advisory Council; meetings requirement.** Requires the Virginia Conflict of Interest and Ethics Advisory Council to meet upon the call of the chairman or when a majority of Council members request a meeting. Current law requires the Council to meet quarterly or upon the call of the chairman. This bill is identical to SB 1067.

*Patron - James*

**HB2814 Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities.** Extends the sunset date of the Commission from July 1, 2019, to July 1, 2020.

*Patron - Morefield*

**SB1067 Virginia Conflict of Interest and Ethics Advisory Council; meetings requirement.** Requires the Virginia Conflict of Interest and Ethics Advisory Council to meet upon the call of the chairman or when a majority of Council members request a meeting. Current law requires the Council to meet quarterly or upon the call of the chairman. This bill is identical to HB 1889.

*Patron - Howell*

**SB1097 Commission on Civic Education; sunset.** Extends the sunset of the Commission on Civic Education from July 1, 2019, to July 1, 2020.

*Patron - Marsden*

**SB1152 Chesapeake Bay Restoration Fund Advisory Committee; member terms.** Increases from two to four the number of consecutive four-year terms a nonlegislative citizen member is allowed to serve on the Chesapeake Bay Restoration Fund Advisory Committee (the Committee), which oversees the distribution of funds raised by the sale of Friend of the Chesapeake license plates. The bill provides that the two citizen members of the Committee who are appointed by the Senate Committee on Rules, both of whose terms expire on July 1, 2019, shall have their terms extended until July 1, 2020, and July 1, 2021, respectively. One of the two members appointed by the Speaker of the House of Delegates shall have the expiration of his term extended from July 1, 2019, until July 1, 2022. Such extensions shall not constitute a term in determining each member's eligibility for reappointment under the limit of four consecutive terms provided by the bill.

*Patron - DeSteph*

**SB1378 Uniform Law Commission; Commissioner expense reimbursements.** Subjects the reimbursement of necessary travel and hotel expenses of members of the board of Commissioners of the Uniform Law Commission to the approval of the Joint Rules Committee or to the joint approval of the Speaker of the House of Delegates and the Chairman of the Senate Committee on Rules.

*Patron - McDougle*

**SB1556 Auditor of Public Accounts; Commonwealth Data Point; employee compensation information.** Requires that the searchable database containing certain state expenditure information that is maintained by the Auditor of Public Accounts include the number of full-time state employees for whom the annual rate of pay is more than \$10,000, an identifier associated with each such employee, and the salary,

bonuses, and total compensation paid during the fiscal year for the employee associated with each identifier. Current law requires that compensation data be connected to an employee's job position.

*Patron - Peake*

### Failed

**HB1735 Commission on Student Behavioral Health created.** Establishes the Commission on Student Behavioral Health as a legislative branch commission. The purpose of the Commission shall be to (i) assess the efficacy of developing and implementing a statewide behavioral health and suicide prevention hotline that students may use to report threats of violence or receive real-time counseling services; (ii) review the current school counselor-to-student ratio, and whether the realignment of counseling responsibilities proposed by the House Select Committee on School Safety is improving schools' ability to provide counseling services to students; (iii) review the current roles and responsibilities of school nurses, psychologists, and social workers in schools and determine whether a realignment of responsibilities could improve or streamline behavioral health services offered to students; (iv) evaluate the efficacy and costs of providing enhanced behavioral health services in schools delivered through partnerships established between school divisions and local departments of social services and community services boards; (v) assess the effectiveness of de-escalation and other alternative disciplinary policies when interacting with students suffering from behavioral health challenges; (vi) examine the value of additional teacher training requirements on student behavioral health, such as mental health first aid; and (vii) examine other topics related to student behavioral health identified by the Commission. The Commission shall consist of 12 members as follows: seven members of the House of Delegates, of whom two shall be members of the House Committee on Health, Welfare and Institutions, two shall be members of the House Committee on Education, two shall be members of the House Committee on Appropriations, and one shall be a member at-large, to be appointed by the Speaker of the House of Delegates; and five members of the Senate, of whom two shall be members of the Senate Committee on Education and Health, two shall be members of the Senate Committee on Finance, and one shall be a member at-large, to be appointed by the Senate Committee on Rules. The Commission may appoint, employ, and remove an executive director and such other persons as it deems necessary and determine their duties and fix their salaries or compensation within the amounts appropriated therefor. The Commission may also employ experts who have special knowledge of the issues before it. All agencies of the Commonwealth shall provide assistance to the Commission, upon request. The bill has an expiration date of July 1, 2021.

*Patron - Robinson*

**HB1847 Commission on Wellness and Opportunity; report.** Establishes the Commission on Wellness and Opportunity to (i) establish the mission and vision of what wellness means for Virginia by (a) examining various dimensions of wellness, including but not limited to, physical, intellectual, emotional, spiritual, environmental, and social wellness, and (b) developing a comprehensive theoretical framework; (ii) identify and define measurable opportunities and outcomes that build community competence around well-being; and (iii) make policy recommendations for improving the quality of life for the people of the Commonwealth.

*Patron - Adams, D.M.*

**HB2083 Policies against workplace harassment; legislative branch.** Requires each legislative branch agency to adopt and implement the Commonwealth Workplace Harassment Policy (the Policy) established by the Department of Human Resource Management. The bill provides that the Policy applies to legislative branch employees, including General Assembly members and members-elect, when undertaking meetings with other state employees, contract employees, applicants for employment, customers, vendors, members of the media, members of the public, volunteers, or lobbyists or conducting or performing election activities in the scope of official duties.

Under the bill, a victim of alleged workplace harassment will be able to file a complaint against a legislative branch employee, other than a member of the General Assembly, in accordance with the procedures of the Policy or with the Division of Human Rights in the Office of the Attorney General. The Division of Human Rights is authorized to investigate the complaint and use any other powers with regard to the complaint granted to it under law. The bill requires each house of the General Assembly to adopt rules governing procedures and disciplinary sanctions for General Assembly members and members-elect violating policies against workplace harassment.

The 2018 Session of the General Assembly enacted legislation requiring full-time legislative branch employees to complete a sexual harassment training course once every two calendar years beginning January 1, 2019. In addition to other differences, this bill broadens the scope of training for legislative branch employees and provides for punitive damages if a party complaining of workplace harassment demonstrates that the defendant engaged in a discriminatory practice with malice or reckless indifference. The bill has a delayed effective date of January 1, 2020.

*Patron - Watts*

**HB2168 Establishment of the Commission on School Innovation, Modernization, and Competitiveness.** Establishes the legislative Commission on School Innovation, Modernization, and Competitiveness (the Commission), consisting of 22 members, including 12 legislative members, eight nonlegislative citizen members, and two ex officio members, to develop and oversee the implementation of a goal and strategic plan for (i) promoting and increasing public high school student participation in dual enrollment courses, industry certifications, and state licensure examinations, (ii) modernizing public elementary and secondary school buildings throughout the Commonwealth, (iii) achieving the Commonwealth's teacher compensation goal, and (iv) ensuring high quality at the student and school division levels. The Commission sunsets on July 1, 2022.

*Patron - Yancey*

**HB2321 Gaming Study Commission.** Creates the Gaming Study Commission to analyze the Commonwealth's existing gaming industry and proposals to expand gaming in Virginia, which include the following: (i) commercial casino gaming, (ii) in-person and online sports wagering, (iii) online and internet gaming, (iv) tribal gaming, (v) historical horse racing, and (vi) electronic devices approved by the Virginia Alcoholic Beverage Control Authority to be placed in establishments licensed by the Authority. The Commission must submit final recommendations to the General Assembly by November 1, 2019. The bill has an expiration date of January 1, 2020.

*Patron - Peace*

**SB1316 MEI Project Approval Commission.** Makes several changes to the membership and operation of the MEI Project Approval Commission. The bill expands the membership from 10 to 11 members by adding one additional Senate appointment. The bill also clarifies the scope of the review required by the Commission to include not only economic development projects, but also potential tourism and film projects, while providing that projects only involving existing tax incentives currently available to any qualified taxpayer shall not require review. Materials regarding the potential project shall be provided to the Commission at least 5 business days in advance of the meeting. Current law requires materials regarding the potential project to be provided at least 48 hours in advance of the meeting. The bill contains technical amendments.

*Patron - Hanger*

**SB1732 MEI Commission; incentives for episodic television series.** Adds episodic television series offered an incentive package the aggregate amount of which is in excess of \$10 million to the list of projects that require review by the MEI Project Approval Commission. This bill was incorporated into SB 1316.

*Patron - Ruff*

## General Provisions

### Failed

**HB1875 Official emblems and designations; state soft drink.** Designates Northern Neck Ginger Ale as the official soft drink of the Commonwealth.

*Patron - Ransone*

**HB1896 Official emblems and designations; state pollinator; European honey bee.** Designates the European honey bee (*Apis mellifera*) as the official state pollinator.

*Patron - Hope*

**HB1912 Official emblems and designations; state song.** Designates "Virginia, the Home of My Heart" by Susan Greenbaum as the official state folk song.

*Patron - Rodman*

**SB1259 Official designations; state first food.** Designates the Virginia oyster (*Crassostrea virginica*) as the state first food of Virginia.

*Patron - Sturtevant*

## Health

### Passed

**HB1639 Department of Medical Assistance Services; payment for certain services to hospice patients.** Directs the Department of Medical Assistance Services to implement a process for direct payment of nursing facility or ICF/MR services for hospice patients receiving services in a nursing facility or ICF/MR, if such patient would be eligible for medical assistance for nursing facility or ICF/MR services had he not elected to receive hospice care. The bill provides that payments made to a nursing facility or ICF/MR shall be the full amount that would be paid to the nursing facility or

ICF/MR, if the individual was not receiving hospice services, and shall not reflect any discount to such rates.

*Patron - Head*

**HB1812 Department of Medical Assistance Services; waiver of eligibility criteria; dependents of foreign service members.** Directs the Department of Medical Assistance Services to amend eligibility criteria for the Community Living waiver and the Family and Individual Support waiver to allow the dependent of a foreign service member to maintain his position on the waiting list following a transfer of the foreign service member to an assignment outside the Commonwealth, so long as the foreign service member maintains the Commonwealth as his legal residence to which he intends to return following completion of the assignment.

*Patron - Hope*

**HB1870 Certificate of public need; hospitals and nursing homes; disaster exemption; regulations.** Provides for a 30-day exemption from the requirement to obtain a certificate of public need for an increase in the total number of beds in existing hospitals or nursing homes if the State Health Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds. The Board of Health shall adopt regulations for this exemption. This bill is identical to SB 1277.

*Patron - Sickles*

**HB1885 Board of Health; radon.** Directs the Board of Health to publish a list of persons who are nationally certified to offer screening, testing, or mitigation for radon.

*Patron - Bell, Richard P.*

**HB1970 Telemedicine services; coverage.** Requires insurers, corporations, or health maintenance organizations to cover medically necessary remote patient monitoring services as part of their coverage of telemedicine services to the full extent that these services are available. The bill defines remote patient monitoring services as the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload. The bill requires the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services. This bill is identical to SB 1221.

*Patron - Kilgore*

**HB1975 Department of Medical Assistance Services; PACE program; prospective client education.** Directs the Department of Medical Assistance Services to develop and implement a plan to provide choice and education to eligible prospective PACE clients. The plan will ensure that eligible clients receive adequate information regarding the PACE program and contact information for PACE providers.

*Patron - Rasoul*

**HB1998 Exposure to bodily fluids; infection with human immunodeficiency virus or hepatitis B or C viruses; expedited testing.** Requires a general district court to hold a hearing within 48 hours of a petition being filed seeking to compel collection of a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C viruses when exposure to bodily fluids occurs between a person and any

health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, person employed by a public safety agency, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen. The bill directs the Office of the Executive Secretary of the Supreme Court of Virginia to publish a petition form for such filing. If the court is closed during the 48-hour time period, the petition shall be heard on the next day that the court is in session. The bill allows a testing order to be issued based on a finding that there is probable cause to believe that exposure has occurred. Any person who is the subject of such order may appeal to the circuit court of the same jurisdiction within 10 days of receiving notice of the order. The bill specifies that no specimen obtained as a result of a testing order shall be tested for any purpose other than for the purpose provided for in the bill, nor shall the specimen or the results of such testing be used for any purpose in any criminal matter or investigation. Any violation shall constitute reversible error in any criminal case in which the specimen or results were used.

*Patron - Price*

**HB2015 Department of Medical Assistance Services; mitigating risk of improper payments; report.** Requires the Department of Medical Assistance Services to conduct a pilot program to develop and implement means to mitigate the risk of improper payments to providers of services furnished under the state plan for medical assistance and all applicable waivers. The bill also requires that the Department's selection of a vendor for the operation of the pilot program be dependent on the demonstration of a proof of concept. The bill requires the Department to report to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance (i) by August 1, 2019, on its progress in designing and implementing the pilot program and (ii) by February 1, 2020, on the pilot program's effectiveness in mitigating the risk of improper payments to providers.

*Patron - Peace*

**HB2026 Newborn screening; congenital cytomegalovirus.** Directs the Board of Health to amend regulations governing newborn screening to include screening for congenital cytomegalovirus in newborns who fail the newborn hearing screen.

*Patron - Stolle*

**HB2057 Office of the Chief Medical Examiner; central office and facilities.** Removes the requirement that the central office and facilities of the Office of the Chief Medical Examiner be located in the City of Richmond.

*Patron - Carr*

**HB2215 Required immunizations; acellular pertussis booster.** Extends the time by which an acellular pertussis booster shall be administered from prior to entry into the sixth grade to prior to entry into the seventh grade.

*Patron - Bourne*

**HB2219 Nursing homes; truth in advertising for inspections, surveys, and investigations.** Requires that if inspection, survey, or investigation data is used in an advertisement regarding nursing homes, the advertisement also include the following information: (i) the date on which the survey, inspection, or investigation was conducted; (ii) a statement that the facility is required to submit a plan of correction in response to any and all statements of deficiencies; (iii) if a finding or deficiency cited in a statement of deficiencies has been corrected, a statement that the finding or deficiency has been corrected and the date on which the finding or deficiency

was corrected; and (iv) a statement that the advertisement publication is not authorized or endorsed by the Virginia Department of Health, the Centers for Medicare and Medicaid Services, the Office of the Inspector General, or any other governmental agency. The bill provides that failure to include this required information constitutes a violation of the Virginia Consumer Protection Act. The bill also requires that such information be in the same font, color, and size as the other text in the advertisement. This bill is identical to SB 1217.

*Patron - Orrock*

**HB2322 Department of Health; plan for oversight and enforcement; requirements governing onsite sewage treatment systems.** Directs the Department of Health to develop a plan for the oversight and enforcement by the Department of requirements related to the inspection and pump-out of onsite sewage treatment systems that do not require a Virginia Pollutant Discharge Elimination System permit established pursuant to the Chesapeake Bay Preservation Act and are located in counties eligible for participation in the Rural Coastal Virginia Community Enhancement Authority. The bill requires the Department to present such plan to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health prior to implementing the plan.

*Patron - Hodges*

**HB2425 Virginia Department of Health; monitoring of health care-associated infections.** Requires health care facilities that are required to report information about health care-associated infections (HAIs) to the National Healthcare Safety Network (NHSN) to release such data to the Board of Health through the NHSN.

*Patron - Levine*

**HB2445 Death certificates; medical certification; electronic filing.** Requires the completed medical certification portion of a death certificate to be filed electronically with the State Registrar of Vital Records through the Electronic Death Registration System and provides that, except under certain circumstances, failure to file a medical certification of death electronically through the Electronic Death Registration System shall constitute grounds for disciplinary action by the Board of Medicine. The bill includes a delayed effective date of January 1, 2020, and a phased-in requirement for registration with the Electronic Death Registration System and electronic filing of medical certifications of death for various categories of health care providers. The bill directs the Department of Health to work with stakeholders to educate and encourage physicians, physician assistants, and nurse practitioners to timely register with and utilize the Electronic Death Registration System.

*Patron - Wilt*

**HB2474 Medical assistance services; long-term care; eligibility; screening; report.** Directs the Department of Medical Assistance Services (DMAS) to report annually by August 1 to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health regarding (i) the number of screenings for eligibility for community-based and institutional long-term care services conducted by DMAS or the public or private entity with which DMAS has entered into a contract to conduct such screenings and (ii) the number of cases in which DMAS or the public or private entity with which DMAS has entered into a contract to conduct such screenings fails to complete such screenings within 30 days.

*Patron - Torian*

**HB2546 Maternal Death Review Team established.** Establishes the Maternal Death Review Team (the Team) to develop and implement procedures to ensure that maternal deaths occurring in the Commonwealth are analyzed in a systematic way. The bill requires the Team to (i) develop and revise as necessary operating procedures for maternal death reviews, including identification of cases to be reviewed and procedures for coordinating among the agencies and professionals involved; (ii) improve the identification of, and data collection and record keeping related to, causes of maternal deaths; (iii) recommend components of programs to increase awareness and prevention of, and education about, maternal deaths; and (iv) recommend training to improve the review of maternal deaths. The bill also requires the Team to compile triennial statistical data regarding maternal deaths and to make such data available to the Governor and the General Assembly. The bill provides that information and records obtained or created by the Team and portions of meetings of the Team at which individual maternal deaths are discussed shall be confidential. This bill received Governor's recommendations.

*Patron - Robinson*

**HB2613 Information for maternity care patients; perinatal anxiety.** Adds information about perinatal anxiety to the types of information about which each licensed nurse midwife, licensed midwife, or hospital providing maternity care must provide to each maternity patient and, if present, the father of the infant and other relevant family members or caretakers. Currently, licensed nurse midwives, licensed midwives, and hospitals providing maternity care are required to provide information about postpartum blues and perinatal depression, shaken baby syndrome and the dangers of shaking infants, and safe sleep environments for infants.

*Patron - Delaney*

**HB2722 Certificate of public need; certain nursing facilities in a continuing care retirement community; nursing home bed cap.** Changes from 10 percent of a nursing facility to the lesser of 25 percent of a nursing facility or 15 nursing home beds the cap on nursing home beds that are eligible for medical assistance in certain nursing facilities in Planning District 8 in a continuing care retirement community that may be certified to participate in the state program for medical assistance without regard to a certificate of public need. This bill is identical to SB 1722.

*Patron - Watts*

**HB2750 Advance estimate of patient payment amount for elective medical procedure, test, or service; notice of right to request.** Provides that every hospital currently required to provide an estimate of the payment amount for an elective procedure, test, or service for which a patient may be responsible shall also be required to provide each patient with written information regarding his right to request such estimate, to post written information regarding a patient's right to request such estimate conspicuously in public areas of the hospital, and to make such information available on the hospital's website.

*Patron - Toscano*

**HB2766 Certificate of public need; conditions; triennial review.** Directs the Commissioner of Health (i) to review charity care conditions on certificates of public need at least once every three years to determine whether conditions continue to be appropriate or should be revised and (ii) to notify the certificate holder as to his conclusions and the process for requesting changes to conditions on an existing certificate. This bill received Governor's recommendations.

*Patron - Byron*

**HB2798 All-Payer Claims Database; penalty.** Requires the Commissioner of Health, in cooperation with the Bureau of Insurance, to collect health claims data from certain insurers, corporations, managed care organizations, third-party administrators, and any self-funded employee welfare benefit plans (ERISA plans) whose employer has opted-in to the All-Payer Claims Database, the Department of Medical Assistance Services, state government health insurance plans, local government health insurance plans, and federal health insurance plans. The bill provides that employers that maintain an ERISA plan may opt-in to participate in the All-Payer Claims Database and provides a process for such agreement. The bill adds members to the advisory committee to the nonprofit organization that administers the All-Payer Claims Database. The bill requires the Commissioner of Health to establish a data release committee to review and approve requests for access to data and prohibits the release of data without the approval of such committee. The bill requires the nonprofit organization to ensure that data is timely submitted to the All-Payer Claims Database and authorizes the Board of Health to assess a civil penalty on entities not in compliance. This bill is identical to SB 1216.

*Patron - Garrett*

**SB1004 Advance estimate of patient payment amount for elective medical procedure, test, or service; notice of right to request.** Provides that every hospital currently required to provide an estimate of the payment amount for an elective procedure, test, or service for which a patient may be responsible shall also be required to provide each patient with written information regarding his right to request such estimate, to post written information regarding a patient's right to request such estimate conspicuously in public areas of the hospital, and to make such information available on the hospital's website.

*Patron - Chase*

**SB1216 All-Payer Claims Database; penalty.** Requires the Commissioner of Health, in cooperation with the Bureau of Insurance, to collect health claims data from certain insurers, corporations, managed care organizations, third-party administrators, and any self-funded employee welfare benefit plans (ERISA plans) whose employer has opted-in to the All-Payer Claims Database, the Department of Medical Assistance Services, state government health insurance plans, local government health insurance plans, and federal health insurance plans. The bill provides that employers that maintain an ERISA plan may opt-in to participate in the All-Payer Claims Database and provides a process for such agreement. The bill adds members to the advisory committee to the nonprofit organization that administers the All-Payer Claims Database. The bill requires the Commissioner of Health to establish a data release committee to review and approve requests for access to data and prohibits the release of data without the approval of such committee. The bill requires the nonprofit organization to ensure that data is timely submitted to the All-Payer Claims Database and authorizes the Board of Health to assess a civil penalty on entities not in compliance. This bill is identical to HB 2798.

*Patron - Newman*

**SB1217 Nursing homes; truth in advertising for inspections, surveys, and investigations.** Requires that if inspection, survey, or investigation data is used in an advertisement regarding nursing homes, the advertisement also include the following information: (i) the date on which the survey, inspection, or investigation was conducted; (ii) a statement that the facility is required to submit a plan of correction in response to any and all statements of deficiencies; (iii) if a

finding or deficiency cited in a statement of deficiencies has been corrected, a statement that the finding or deficiency has been corrected and the date on which the finding or deficiency was corrected; and (iv) a statement that the advertisement publication is not authorized or endorsed by the Virginia Department of Health, the Centers for Medicare and Medicaid Services, the Office of the Inspector General, or any other governmental agency. The bill provides that failure to include this required information constitutes a violation of the Virginia Consumer Protection Act. The bill also requires that such information be in the same font, color, and size as the other text in the advertisement. This bill is identical to HB 2219.

*Patron - Newman*

**SB1221 Telemedicine services; coverage.** Requires insurers, corporations, or health maintenance organizations to cover medically necessary remote patient monitoring services as part of their coverage of telemedicine services to the full extent that these services are available. The bill defines remote patient monitoring services as the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload. The bill requires the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services. This bill is identical to HB 1970.

*Patron - Chafin*

**SB1277 Certificate of public need; hospitals and nursing homes; disaster exemption; regulations.** Provides for a 30-day exemption from the requirement to obtain a certificate of public need for an increase in the total number of beds in existing hospitals or nursing homes if the State Health Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds. The Board of Health shall adopt regulations for this exemption. This bill is identical to HB 1870.

*Patron - Barker*

**SB1366 Commissioner of Health; consolidation of inspections.** Requires the Commissioner of Health to identify any inspection of a medical care facility required by Title 32.1 (Health), Board of Health regulations, the Commissioner of Health, the Department of Health, or any other state regulatory boards or agencies and, in collaboration with any such inspecting entity, work to consolidate, as much as practicable, all such inspections in order to minimize the interruption of the provision of care in such medical care facilities.

*Patron - Cosgrove*

**SB1439 Death certificates; medical certification; electronic filing.** Requires the completed medical certification portion of a death certificate to be filed electronically with the State Registrar of Vital Records through the Electronic Death Registration System and provides that, except for under certain circumstances, failure to file a medical certification of death electronically through the Electronic Death Registration System shall constitute grounds for disciplinary action by the Board of Medicine. The bill includes a delayed effective date of January 1, 2020, and a phased-in requirement for registration with the Electronic Death Registration System and electronic filing of medical certifications of death for various categories of health care providers. The bill directs the Depart-

ment of Health to work with stakeholders to educate and encourage physicians, physician assistants, and nurse practitioners to timely register with and utilize the Electronic Death Registration System.

*Patron - McClellan*

**SB1722 Certificate of public need; certain nursing facilities in a continuing care retirement community; nursing home bed cap.** Changes from 10 percent of a nursing facility to the lesser of 25 percent of a nursing facility or 15 nursing home beds the cap on nursing home beds that are eligible for medical assistance in certain nursing facilities in Planning District 8 in a continuing care retirement community that may be certified to participate in the state program for medical assistance without regard to a certificate of public need. This bill is identical to HB 2722.

*Patron - Barker*

## Failed

**HB1680 Certificate of public need.** Makes changes to the Medical Care Facilities Certificate of Public Need Program. The bill (i) removes specialized centers or clinics or that portion of a physician's office developed for the provision of lithotripsy, magnetic source imaging, or nuclear medicine imaging from the list of reviewable medical care facilities; (ii) provides that establishment of a medical care facility to replace an existing medical care facility with the same primary service area does not constitute a project; (iii) removes introduction into an existing medical care facility of any new lithotripsy, magnetic source imaging, or obstetrical service that the facility has never provided or has not provided in the previous 12 months and addition by an existing medical care facility of any medical equipment for the provision of lithotripsy and magnetic source imaging (MSI) from the definition of project; (iv) removes additions of operating rooms at an existing hospital or at any medical care facility when each operating room to be added will be utilized solely for surgical procedures for which the average number of such surgeries performed in hospitals in the Commonwealth during the previous three years was less than 0.1 percent of the total number of all surgeries performed in the Commonwealth during the same period from the list of projects for which a certificate is required; (v) eliminates the requirement for a certificate of public need for certain projects involving mental hospitals or psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse; (vi) adds 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 Labor Act to the list of medical care facilities for which a certificate of public need is required; (vii) limits the definition of "project" to those undertaken by a medical care facility other than a medical care 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 Labor Act when the project is undertaken within 10 miles of a general hospital and projects undertaken by a medical care 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 Labor Act regardless of where the project is undertaken; (viii)

creates a new process for registration of projects exempted from the definition of project by the bill; (ix) establishes an expedited 45-day review process for applicants for projects determined to be uncontested or to present limited health planning impacts; (x) renames the State Medical Facilities Plan as the State Health Services Plan and establishes a State Health Services Plan Advisory Council to provide recommendations related to the content of the State Health Services Plan; (xi) clarifies the content of the application for a certificate; (xii) reduces the timeline for a person to be made party to the case for good cause from 80 calendar days to four days following completion of the review and submission of recommendations related to an application; (xiii) requires the State Health Commissioner to approve an application that is consistent with the State Health Services Plan unless the State Health Commissioner determines that, upon consideration of certain factors, the application should not be approved; and (xiv) makes review by a regional health planning agency optional for the application.

The bill also (a) delays the effective date of clauses (i) through (xiv) until July 1, 2020, (b) directs the Board of Health to review the geographic area around a general hospital within which a certificate of public need is required to undertake a project set forth in the definition of "project," determine whether the distance identified is appropriate, and, if the Board finds that the distance is not appropriate, develop recommendations for an alternative distance or other measure for determine the scope of the area around a general hospital within which a certificate of public need shall be required to undertake a project, and report such recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by October 1, 2019; (c) directs the Department to develop recommendations to reduce the duration of the average review cycle for applications for certificates of public need to not more than 120 days and to report on its recommendations to the Governor and the General Assembly no later than December 1, 2019; (d) directs the Secretary of Health and Human Resources to review charity care services delivered throughout the Commonwealth and recommend changes to the definition of charity care and to the types of charity care requirements imposed on various health care services and report to the Governor and the General Assembly by December 1, 2019; (e) directs the Secretary of Health and Human Resources to convene a group of stakeholders to study and make recommendations related to the appropriate authority of the State Health Commissioner to impose additional conditions on certificates; (f) directs the Secretary of Health and Human Resources to implement a system to ensure that data needed to evaluate whether an application for a certificate is consistent with the State Health Services Plan is timely and reliable, to make all public records pertaining to applications for certificates and the review process available in real-time in a searchable, digital format online, to make an inventory of capacity authorized by certificates of public need, both operational and not yet operational, available in a digital format online, and to make charity care conditions, charity care compliance reporting status, and details on the exact amount of charity care provided or contributed and to whom it was provided or contributed available in a digital format online; (g) directs the State Health Commissioner to develop an analytical framework to guide the work of the State Health Services Plan Advisory Council; and (h) directs the Secretary of Health and Human Resources convene a work group composed of stakeholders to study and make recommendations for the creation of a multi-member panel to review decisions of the State Health Commissioner denying issuance of a certificate of public need for a proposed project and report his findings to the Chairmen of the House Committee on Health, Welfare and Institutions

and the Senate Committee on Education and Health by December 1, 2019.

*Patron - Orrock*

**FHB1692 Medical assistance; determination of income; personal needs allowance.** Provides that, when determining the income of a recipient of medical assistance services who is receiving long-term care in a medical institution or intermediate care facility, the Department of Medical Assistance Services shall disregard a personal needs allowance in an amount that is at least \$150 and that the amount of the personal needs allowance shall be adjusted annually to reflect changes in the Consumer Price Index, all urban consumers (CPI-U).

*Patron - Rodman*

**FHB1943 Chief Medical Examiner; process for testing certain blood samples.** Directs the Chief Medical Examiner (i) to establish a process for the collection and testing of blood samples of a person deemed to have consented to testing in cases in which a law-enforcement officer, firefighter, or emergency medical services provider is directly exposed to the blood of such person in a manner that may transmit human immunodeficiency virus or hepatitis B or C viruses and (ii) to take steps to ensure that all law-enforcement agencies, fire companies and departments, and emergency medical services agencies in the Commonwealth are aware of such process.

*Patron - Bell, Robert B.*

**FHB1949 Rainwater harvesting; water for human consumption.** Requires the Board of Health to include in regulations governing rainwater harvesting systems a provision recognizing rainwater harvesting systems that produce water that meets minimum health and aesthetic standards for pure water adopted by the Board as acceptable sources of water for human consumption.

*Patron - Webert*

**FHB2004 Community health workers; certification.** Requires the Department of Health to approve one or more entities to certify community health workers in the Commonwealth and prohibits a person from using or assuming the title of certified community health worker unless he is certified by an entity approved by the Department.

*Patron - Aird*

**FHB2050 Certificate of public need; exception.** Directs the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of and related equipment for a freestanding diagnostic imaging center located in Planning District 15 that will provide diagnostic imaging services using magnetic resonance imaging (MRI) and computed tomographic (CT) scanning on an outpatient basis.

*Patron - McGuire*

**FHB2115 State Medical Facilities Plan; revisions.** Requires the State Medical Facilities Plan task force to review the State Medical Facilities Plan and update or validate existing criteria in the State Medical Facilities Plan at least once every two years. Currently, the task force is required to review and update or validate the State Medical Facilities Plan at least once every four years. The bill also exempts amendments to the State Medical Facilities Plan from the Administrative Procedure Act if the Board of Health (i) provides a Notice of Intended Regulatory Action in accordance with the requirements of § 2.2-4007.01, (ii) provides notice and receives comment as provided in § 2.2-4007.03, and (iii) conducts at least one public hearing on the proposed amendments.

*Patron - Sickles*

**FHB2116 Disposition of the remains of a decedent; right to control.** Establishes a priority order for the right to control the disposition of the remains of a decedent; the location, manner, and condition of disposition; and the arrangements for funeral goods and services to be provided, as well as circumstances that would forfeit this right. The bill establishes procedures for resolving disagreements among those who have the right to control and provides liability protections for licensed funeral establishments, funeral service licensees, registered crematories, or registered crematory operators that rely in good faith upon the instructions of an individual claiming the right of disposition.

*Patron - Sickles*

**FHB2288 Certificate of public need; definition of "medical care facility."** 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.

*Patron - Leftwich*

**FHB2451 Certificate of public need; nursing homes and hospitals; disaster exemption.** Provides for a 30-day exemption from the requirement to obtain a certificate of public need for an increase in the total number of beds in nursing homes or hospitals if the State Health Commissioner has determined that a natural or man-made disaster has caused the evacuation of nursing homes or hospitals and that a public health emergency exists due to a shortage of nursing home or hospital beds.

*Patron - Bell, Richard P.*

**FHB2530 Medicaid; cost-sharing.** Requires the Department of Medical Assistance Services to require individuals receiving medical assistance pursuant to the state plan for medical assistance whose household income is greater than 100 percent of the federal poverty level for a household the size of the individual's household to participate in cost-sharing to the greatest extent allowed under federal law and to require individuals receiving medical assistance pursuant to the state plan for medical assistance whose household income is equal to or less than 100 percent of the federal poverty level for a household the size of the individual's household to participate in cost-sharing for nonemergency services delivered in a hospital emergency department to the greatest extent allowed by federal law. The bill also requires hospitals with emergency departments to develop a protocol for patients who receive medical assistance pursuant to the state plan for medical assistance to whom a service other than an emergency service will be provided to (i) inform the patient as to the amount of the cost-sharing obligation for such nonemergency services for which the patient may be responsible; (ii) provide the patient with information, including name and location, about available nonemergency health care providers; and (iii) provide a referral to such nonemergency health care provider to facilitate treatment of the patient by the nonemergency health care provider.

*Patron - Head*

**FHB2531 Health Insurance Premium Payment program; enrollment of eligible individuals.** Requires the Department of Medical Assistance Services to enroll in the Health Insurance Premium Payment program every person who is eligible for medical assistance services provided pursuant to the state plan for medical assistance services and who

has a household income that is equal to or greater than 100 percent of the federal poverty level for a household the size of such person's household and meets the criteria for enrollment in such program unless enrolling the person in such program is determined not to be cost effective.

*Patron - Head*

**HB2532 DMAS; state plan amendment; value-based purchasing agreements for covered drugs.** Directs the Department of Medical Assistance Services to amend the state plan for medical assistance pursuant to Title XIX of the Social Security Act to allow the Department to negotiate supplemental rebate agreements involving value-based purchasing arrangements for covered drugs with drug manufacturers.

*Patron - Head*

**HB2581 Maternal Mortality Review Team established; investigation.** Directs the Department of Health to establish a Maternal Mortality Review Team to review all pregnancy-associated deaths and pregnancy-related deaths, as defined in the bill, occurring in the Commonwealth in a systematic way and (i) prepare a de-identified case summary for each case; (ii) determine the rate of pregnancy-associated and pregnancy-related deaths in the Commonwealth, including rates of such deaths among different demographic groups; (iii) identify risk factors of pregnancy-associated or pregnancy-related deaths and factors contributing to disparities in rates of such deaths among demographic groups; and (iv) recommend components of prevention and intervention programs to reduce the rate of pregnancy-associated and pregnancy-related deaths in the Commonwealth, including programs (a) for the education and training of health care providers providing services to women who are pregnant or who have been pregnant within the previous year and (b) specifically targeted at reducing racial or other disparities in rates of pregnancy-associated and pregnancy-related deaths in the Commonwealth. The bill also requires reporting of pregnancy-associated and pregnancy-related deaths by certain health care providers, law-enforcement officers, funeral directors, or other persons having knowledge of such deaths and directs the Department to establish a program for the reduction of pregnancy-associated and pregnancy-related deaths in the Commonwealth.

*Patron - Kory*

**SB1125 Certificate of public need; definition of "medical care facility."** 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. The bill exempts proposed medical care facilities for which an application for a certificate of public need was received by the Department of Health by December 31, 2017, or for which any appeal of the issuance or denial of a certificate of public need was filed by December 31, 2017, and is currently pending from the provisions of the bill.

*Patron - Cosgrove*

**SB1226 Community paramedics.** Requires the State Board of Health to adopt regulations governing the practice of community paramedics. The bill requires an applicant for licensure as a community paramedic to submit evidence that the applicant (i) is currently certified as an emergency medical services provider and has been certified for at least three years, (ii) has successfully completed a community paramedic training program that is approved by the Board or accredited by a Board-approved national accreditation organization and that includes clinical experience provided under the

supervision of a physician or EMS agency, and (iii) has obtained Community Paramedic Certification from the International Board of Specialty Certification. The bill requires a community paramedic to practice in accordance with protocols and supervisory standards established by an operational medical director and to provide services only as directed by a patient care plan developed by the patient's physician, nurse practitioner, or physician assistant and approved by the community paramedic's supervising operational medical director.

The bill exempts a community paramedic providing services in accordance with the provisions of the bill from licensure as a home health organization. The bill requires the State Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of medical assistance for home health services provided by a certified community paramedic exempt from licensure as a home health organization.

*Patron - Chase*

**SB1280 Community health workers; certification.** Prohibits a person from using or assuming the title of certified community health worker unless he is certified by an entity approved by the Department of Health. The bill requires an individual seeking certification to submit to the Department completed application and evidence satisfactory to the Department that the individual is certified by a Department-approved credentialing entity.

*Patron - Barker*

**SB1283 State Medical Facilities Plan; revisions.** Requires the State Medical Facilities Plan task force to review the State Medical Facilities Plan and update or validate existing criteria in the State Medical Facilities Plan at least once every two years. Currently, the task force is required to review and update or validate the State Medical Facilities Plan at least once every four years. The bill also exempts amendments to the State Medical Facilities Plan from the Administrative Procedure Act if the Board of Health (i) provides a Notice of Intended Regulatory Action in accordance with the requirements of § 2.2-4007.01, (ii) provides notice and receives comment as provided in § 2.2-4007.03, and (iii) conducts at least one public hearing on the proposed amendments. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Barker*

**SB1308 Prescription drug price gouging prohibited.** Prohibits unconscionable price increases in the price of essential off-patent or generic drugs, authorizes the Secretary of Health and Human Resources to designate drugs as essential drugs, and establishes an enforcement mechanism.

*Patron - Edwards*

**SB1352 Office of Medicaid Fiscal Oversight and Accountability.** Creates as an independent state agency the Office of Medicaid Fiscal Oversight and Accountability and charges the agency with the preparation of the Official Medicaid Forecast for the state, monthly oversight of Medicaid expenditures, review of the fiscal impact of policy changes, and other oversight and accountability responsibilities. The Director of the Office of Medicaid Fiscal Oversight and Accountability will be appointed by the Governor, subject to confirmation by the General Assembly.

*Patron - McDougle*

**SB1357 Hospitals; price transparency.** Requires every hospital to make information regarding the price of certain inpatient and outpatient medical procedures, tests, and services, as determined by the Board of Health, available to the

public on a website maintained by the hospital and, upon request, in writing.

*Patron - Wagner*

**SB1361 Certificate of public need.** Repeals the certificate of public need program.

*Patron - Wagner*

**SB1493 Death certificates; medical certification; electronic filing.** Requires the completed medical certification portion of a death certificate to be filed electronically with the State Registrar of Vital Records through the Electronic Death Registration System and provides that failure to file a medical certification of death electronically through the Electronic Death Registration System shall constitute grounds for disciplinary action by the Board of Medicine. The bill includes a delayed effective date of January 1, 2020, and a phased-in requirement for registration with the Electronic Death Registration System and electronic filing of medical certifications of death for various categories of health care providers. The bill directs the Department of Health to work with stakeholders to educate and encourage physicians, physician assistants, and nurse practitioners to timely register with and utilize the Electronic Death Registration System.

*Patron - Cosgrove*

**SB1526 Certificate of public need; psychiatric beds and facilities.** Repeals the requirement for a certificate of public need for certain projects involving mental hospitals or psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse. The bill creates a new permitting process for such projects, exempted from the certificate of public need process, that requires the Commissioner of Health to issue a permit upon the agreement of the applicant to certain charity care conditions and quality of care standards.

*Patron - Sturtevant*

**SB1614 Certificates of public need.** Exempts specialized centers or clinics or that portion of a doctor's office established for the provision of ambulatory or outpatient ophthalmic, urologic, or endoscopic surgery from the definition of medical care facility and creates a new permitting process for projects involving specialized centers or clinics or that portion of a doctor's office established for the provision of ophthalmic surgery and services.

*Patron - McDougle*

**SB1643 Birth certificates; change of sex.** Eliminates the requirement that a person provide a certified copy of an order of a court of competent jurisdiction indicating that his sex has been changed by medical procedure for amendment of a birth certificate to reflect a change of sex and authorizes the Board of Health to adopt regulations setting forth the requirements necessary for amendment of a birth certificate to reflect change of sex. The bill provides that such requirements may include a requirement that the person requesting the amendment submit an affidavit provided by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for the purpose of gender transition but shall not include any requirement for evidence or documentation of any medical procedure.

*Patron - Boysko*

**SB1735 All-Payer Claims Database.** Provides that participation in the All-Payer Claims Database by (i) issuers of individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; corporations providing

individual or group accident and sickness subscription contracts; and health maintenance organizations providing a health care plan for health care services; (ii) third-party administrators and any other entities that receive or collect charges, contributions, or premiums for, or adjust or settle health care claims for, Virginia residents; (iii) the Department of Medical Assistance Services with respect to services provided under programs administered pursuant to Titles XIX and XXI of the Social Security Act; and (iv) federal health insurance plans, if available, including but not limited to Medicare, TRICARE, and the Federal Employees Health Benefits Plan, shall be mandatory, to the extent permitted by federal law. Currently, participation is optional.

*Patron - Deeds*

**SB1750 Medicaid Supplemental Payment Program Fund.** Establishes the Medicaid Supplemental Payment Program Fund (the Fund). The bill requires the Department of Medical Assistance Services to accept and to pay into the Fund, from any county, city, or town provider, assessment funds that have been collected, pursuant to an ordinance, from inpatient hospitals authorized to receive Medicaid supplemental payments pursuant to the State Plan for Medical Assistance Services amendments 11-018 and 11-019. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Lucas*

**SB1760 Diagnostic X-ray machines; operation.** Provides that no person who has been trained and certified in the operation of a diagnostic X-ray machine by the manufacturer of such machine is required to obtain any other training, certification, or licensure or be under the supervision of a person who has obtained training, certification, or licensure to operate such a diagnostic X-ray machine, provided that (i) such diagnostic X-ray machine (a) is registered and certified by the Department of Health, (b) is being operated to conduct a body composition scan, and (c) is not operated to determine bone density or in the diagnosis or treatment of a patient and (ii) the subject of the body composition scan is notified of the risks associated with exposure to radiation emitted by the diagnostic X-ray machine.

*Patron - DeSteph*

## Highways and Other Surface Transportation Systems

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Passed

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**HB1983 Rail Enhancement Fund; matching funds.** Provides that federal funds for freight rail projects may be used to satisfy the requirement that any project funded by the Rail Enhancement Fund include at least 30 percent matching funds from a private source. Under current law, the matching funds requirement may be met using funds from private businesses, railroads, regional authorities, and local governments.

*Patron - Stolle*

**HB2212 Certain private roads or rights-of-way; gates and fences.** Removes the requirement that a petitioner prove that a gate was willfully and maliciously erected in order for a court to require a landowner to make necessary and reasonable changes to a gate erected by such landowner across a private road or right-of-way owned by another person. The bill

clarifies that this does not prohibit the replacement of a gate with a cattle guard as authorized by current law.

*Patron - Fariss*

**HB2226 Designating the Trooper Mark Barrett Memorial Bridge.** Designates the bridge on Meadow Road over Interstate 64 at mile marker 202 in Henrico County the "Trooper Mark Barrett Memorial Bridge." This bill is identical to SB 1690.

*Patron - Bagby*

**HB2313 Comprehensive highway access management standards.** Requires the Commissioner of Highways to require any official who approves a highway access project to certify such project's consistency with the comprehensive highway access management standards and such official's due diligence in reviewing the project. The bill also identifies a process in regulations for appealing the denial, revocation, or conditions of a permit for a highway access project.

*Patron - Hodges*

**HB2489 Suspension of tolls; evacuations.** Requires the Commissioner of Highways to temporarily suspend toll collection operations in affected evacuation zones on routes designated as mass evacuation routes during any mandatory evacuation during a state of emergency. Current law authorizes the Commissioner, in his discretion, to temporarily suspend toll collection operations in cases of emergency and concern for public safety.

*Patron - Jones, J.C.*

**HB2527 Tolling; Planning District 8.** Prohibits the imposition and collection of tolls on any primary highway that is wholly located in Planning District 8 and that was previously classified as a secondary highway and is between 30 and 35 miles in length without prior approval by the General Assembly.

*Patron - Hugo*

**HB2553 Mass transit providers; loss of certain operating funds.** Provides that any mass transit provider that incurs a loss in operating funds as a direct result of the performance-based allocation process set forth in Chapter 854 of the Acts of Assembly of 2018 may be eligible for supplemental operating funds in fiscal year 2020. The maximum amount of supplemental operating funds shall not exceed \$3 million from the nongeneral fund amounts available to the Department of Rail and Public Transportation. This bill is identical to SB 1680.

*Patron - Thomas*

**HB2578 Six-year plans for secondary state highways; public meeting.** Limits the requirement that a governing body with a six-year plan for improving the secondary highway system advertise for and hold a public meeting regarding such plan to only those years in which the county has a proposed new funding allocation greater than \$100,000. This bill is identical to SB 1684.

*Patron - Plum*

**HB2674 Certificates; notice of filing or recordation.** Clarifies that the Commissioner of Highways will give notice to the owner of a freehold that any certificate will be filed or recorded. Current law references only certificates of deposit. This bill is identical to SB 1700.

*Patron - Freitas*

**HB2718 Interstate 81; Interstate 81 Corridor Improvement Fund.** Creates the Interstate 81 Corridor Improvement Fund. Any revenues deposited in the Fund are to

be allocated for improvements to the Interstate 81 Corridor. The bill directs the Commonwealth Transportation Board (Board), in consultation with the Interstate 81 Committee (Committee) established by the bill, to develop an Interstate 81 Corridor Improvement Program. The Committee is also directed to review the Interstate 81 Corridor Improvement Plan adopted by the Board on December 5, 2018, as it relates to funding options and make recommendations to the Governor and the General Assembly regarding funding recommendations and prioritization of projects. This bill is identical to SB 1716. This bill received Governor's recommendations.

*Patron - Landes*

**HB2737 Department of Rail and Public Transportation; rail signage.** Directs the Department of Rail and Public Transportation to evaluate the placement and maintenance of highway signs to (i) indicate the presence and direction of nearby Amtrak or intercity passenger rail stations and (ii) promote the use of such services. The bill further directs the Department to evaluate the cost and potential funding sources for such signs and to report its findings to the Secretary of Transportation and the Chairmen of the House and Senate Committees on Transportation by December 1, 2019.

*Patron - Bagby*

**HB2784 Robert O. Norris Bridge and Statewide Special Structure Fund.** Establishes the Robert O. Norris Bridge and Statewide Special Structure Fund to be used for the purpose of funding maintenance and replacement of large and unique structures. The bill also requires the Commonwealth Transportation Board to (i) undertake a comprehensive review of the current and future condition of pavements and bridges in the Commonwealth; (ii) dedicate a portion of certain funds to the Robert O. Norris Bridge and Statewide Special Structure Fund; and (iii) evaluate the feasibility of using the Public-Private Transportation Act of 1995 to design, build, operate, and maintain two bridges to replace the Robert O. Norris Bridge on State Route 3 and the Downing Bridge on U.S. Route 360. This bill is identical to SB 1749.

*Patron - Hodges*

**HB2800 Commissioner of Highways; overweight trucks.** Requires the Commissioner of Highways to report annually by December 1 to the Governor, the General Assembly, and the Commonwealth Transportation Board regarding overweight trucks. The bill expires on January 1, 2021. This bill is identical to SB 1775.

*Patron - Garrett*

**SB1073 Removing motor vehicles from roadway.** Requires the driver of a motor vehicle involved in an accident on a high occupancy toll (HOT) lane that is under construction on Interstate 66 to move such motor vehicle to the nearest pull-off area if the driver can safely do so, the vehicle is movable, and there are no injuries or deaths resulting from the accident. The bill provides that such requirement will expire upon the certification by the Secretary of Transportation that the HOT lane construction on Interstate 66 is complete.

*Patron - Marsden*

**SB1183 Free use of certain toll facilities; emergency medical services vehicles.** Specifies that for the operator of an emergency medical services vehicle to qualify for a toll pass that allows free use of certain toll bridges, toll roads, and other toll facilities in the Commonwealth while in the performance of his official duties, the vehicle must (i) hold a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services and (ii) be equipped, maintained, or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or

otherwise incapacitated or helpless. Current law requires that an emergency medical services vehicle be owned by a political subdivision of the Commonwealth or a nonprofit association or corporation to qualify for such a toll pass.

*Patron - Stuart*

**SB1468 Northern Virginia Transportation Authority; analysis of projects.** Shifts responsibility from the Department of Transportation to the Northern Virginia Transportation Authority for the evaluation and rating of significant transportation projects in and near Planning District 8. The bill also adds administrative and operating expenses to those expenses that can be paid by the Northern Virginia Transportation Authority Fund. Current law provides that administrative expenses be allocated to the component counties and cities of the Authority.

*Patron - Black*

**SB1505 Naming highways, bridges, interchanges, and other transportation facilities; cost of signage.** Provides that for highways, bridges, interchanges, and other transportation facilities named after a state official killed during the performance of his official duties, including State Police officers and state highway transportation workers, the costs of producing, placing, and maintaining naming signage shall be paid for from Commonwealth Transportation Funds. The bill requires that such a naming be requested by the head of the state agency by which the state official was employed. Current law requires the locality in which the highway, bridge, interchange, or other transportation facility is located to pay such costs and request such naming.

*Patron - Carrico*

**SB1680 Mass transit providers; loss of certain operating funds.** Provides that any mass transit provider that incurs a loss in operating funds as a direct result of the performance-based allocation process set forth in Chapter 854 of the Acts of Assembly of 2018 may be eligible for supplemental operating funds in fiscal year 2020. The maximum amount of supplemental operating funds shall not exceed \$3 million from the nongeneral fund amounts available to the Department of Rail and Public Transportation. This bill is identical to HB 2553.

*Patron - Mason*

**SB1684 Six-year plans for secondary state highways; public meeting.** Limits the requirement that a governing body with a six-year plan for improving the secondary highway system advertise for and hold a public meeting regarding such plan to only those years in which the county has a proposed new funding allocation greater than \$100,000. This bill is identical to HB 2578.

*Patron - Petersen*

**SB1690 Designating the Trooper Mark Barrett Memorial Bridge.** Designates the bridge on Meadow Road over Interstate 64 at mile marker 202 in Henrico County the "Trooper Mark Barrett Memorial Bridge." This bill is identical to HB 2226.

*Patron - Dunnivant*

**SB1700 Certificates; notice of filing or recordation.** Clarifies that the Commissioner of Highways will give notice to the owner of a freehold that any certificate will be filed or recorded. Current law references only certificates of deposit. This bill is identical to HB 2674.

*Patron - Suetterlein*

**SB1716 Interstate 81; Interstate 81 Corridor Improvement Fund.** Creates the Interstate 81 Corridor

Improvement Fund. Any revenues deposited in the Fund are to be allocated for improvements to the Interstate 81 Corridor. The bill directs the Commonwealth Transportation Board (Board), in consultation with the Interstate 81 Committee (Committee) established by the bill, to develop an Interstate 81 Corridor Improvement Program. The Committee is also directed to review the Interstate 81 Corridor Improvement Plan adopted by the Board on December 5, 2018, as it relates to funding options and make recommendations to the Governor and the General Assembly regarding funding recommendations and prioritization of projects. This bill is identical to HB 2718. This bill received Governor's recommendations.

*Patron - Obenshain*

**SB1749 Robert O. Norris Bridge and Statewide Special Structure Fund.** Establishes the Robert O. Norris Bridge and Statewide Special Structure Fund to be used for the purpose of funding maintenance and replacement of large and unique structures. The bill also requires the Commonwealth Transportation Board to (i) undertake a comprehensive review of the current and future condition of pavements and bridges in the Commonwealth; (ii) dedicate a portion of certain funds to the Robert O. Norris Bridge and Statewide Special Structure Fund; and (iii) evaluate the feasibility of using the Public-Private Transportation Act of 1995 to design, build, operate, and maintain two bridges to replace the Robert O. Norris Bridge on State Route 3 and the Downing Bridge on U.S. Route 360.

*Patron - McDougle*

**SB1775 Commissioner of Highways; overweight trucks.** Requires the Commissioner of Highways to report annually by December 1 to the Governor, the General Assembly, and the Commonwealth Transportation Board regarding overweight trucks. The bill expires on January 1, 2021. This bill is identical to HB 2800.

*Patron - Carrico*

**SB1789 Designating the Trooper Lucas B. Dowell Bridge.** Designates the bridge on Interstate 81 in Smyth County over Whitetop Road the "Trooper Lucas B. Dowell Bridge."

*Patron - Peake*

## Failed

**HB1705 Dulles Airport Access Road; high-occupancy vehicles.** Permits a high-occupancy vehicle having two or more occupants to use the eastbound lanes of the Dulles Airport Access Road regardless of whether such vehicle is being used for airport-related purposes.

*Patron - Reid*

**HB1926 Department of Transportation traffic cameras; data retention.** Requires the Department of Transportation to collect and retain audio and video data collected by traffic cameras for at least 14 days.

*Patron - Keam*

**HB2151 Designating the Trooper Mark Barrett Memorial Bridge.** Designates the bridge on Meadow Road over Interstate 64 at mile marker 202 in Henrico County the "Trooper Mark Barrett Memorial Bridge."

*Patron - Ingram*

**HB2265 Department of Transportation; review of Arterial Preservation Program.** Directs the Department of Transportation to conduct a review of its Arterial Preservation Program and its impact on economic development in rural

communities and to present its findings to the House Appropriations Committee and Senate Finance Committee.

*Patron - Poindexter*

**HB2314 Local enterprise zone; traffic plan.** Requires that, upon petition of a locality that has adopted a local enterprise zone development taxation program, the Department of Transportation, in consultation with the Virginia Economic Development Partnership and relevant local economic officials, shall develop a traffic plan to support and encourage the development of businesses located in such program zone.

*Patron - Hodges*

**HB2315 Department of Transportation; at-risk infrastructure; report.** Directs the Department of Transportation, in collaboration with the Commonwealth Center for Recurrent Flooding Resiliency, to identify public transportation infrastructure at risk of flooding or deterioration due to flooding and to develop a plan for managing such assets.

*Patron - Hodges*

**HB2326 Statewide prioritization process; primary evacuation routes.** Adds maintenance of 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.

*Patron - Brewer*

**HB2437 Electronic toll collection device monthly statements; fees.** Prohibits the Department of Transportation from charging monthly fees in connection with online monthly account statements for electronic toll collection devices.

*Patron - Torian*

**HB2466 Department of Transportation to study State Route 28; report.** Directs the Department of Transportation to study the feasibility of implementing improvements to State Route 28 in Prince William County between the City of Manassas Park and Fairfax County.

*Patron - Roem*

**HB2467 Department of Transportation to study State Route 28; report.** Directs the Department of Transportation to study the feasibility of implementing improvements to State Route 28 between the City of Manassas Park and State Route 29 in Fairfax County.

*Patron - Roem*

**HB2468 Department of Transportation to study State Route 28; report.** Directs the Department of Transportation to study the feasibility of implementing improvements to State Route 28 between U.S. Route 15 in Fauquier County and State Route 29 in Fairfax County.

*Patron - Roem*

**HB2511 HOT lanes on Interstate 66; operating hours.** Sets the operating hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. for eastbound lanes and from 4:00 p.m. to 6:30 p.m. for westbound lanes.

*Patron - Hugo*

**HB2571 Interstate 81 Corridor Transportation Commission; funding.** Creates the Interstate 81 Corridor Transportation Commission, embracing the localities located in Planning Districts 3, 4, 5, 6, and 7. The Commission would be responsible for allocating any revenues dedicated to it by the General Assembly for improvements within the Interstate 81 corridor.

*Patron - LaRock*

**HB2633 Commonwealth Transportation Board funding; congestion mitigation.** Prohibits the Commonwealth Transportation Board from prioritizing a project that is likely to increase congestion over a project that would not increase congestion during the statewide prioritization process, commonly known as SMART SCALE.

*Patron - Delaney*

**HB2643 Tolling on Interstate 66.** Limits to \$15 the tolls collected on the tolled portion of Interstate 66 east of mile marker 67. The bill expands the limitation to the tolled portion of Interstate 66 east of mile marker 43 upon completion of the Transform 66 Outside the Beltway project.

*Patron - Delaney*

**SB1014 Interstate 73 Corridor Development Fund and Program.** Establishes the Interstate 73 Corridor Development Fund and Program and reallocates to the I-73 Corridor Development Fund the \$40 million from state recordation taxes that is currently allocated annually to the U.S. Route 58 Corridor Development Fund and Program, which is repealed by the bill. All provisions of the bill are contingent upon the completion of construction of and payments for Route 58.

*Patron - Stanley*

**SB1338 Free use of certain toll facilities; emergency medical services vehicles.** Specifies that for the operator of an emergency medical services vehicle to qualify for a toll pass that allows free use of certain toll bridges, toll roads, and other toll facilities in the Commonwealth while in the performance of their official duties, the vehicle must (i) hold a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services and (ii) be equipped, maintained, or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. The only requirement in current law is that emergency medical services vehicles are qualified if owned by a political subdivision of the Commonwealth or a nonprofit association or corporation.

*Patron - Reeves*

**SB1535 Uniform Statewide Building Code; outdoor advertising.** Requires the owner of a sign located along an Interstate System highway that has a height that is greater than the distance from such sign to the shoulder edge of the pavement to have such sign periodically inspected for building code compliance. The bill authorizes the Commissioner of Highways to remove any such sign without notice and at the cost of the owner if the sign poses a risk to highway safety or public safety.

*Patron - Surovell*

## Homestead and Other Exemptions

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Passed

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**HB2711 Exemptions of real estate; recordation of signed writing; location of real estate or residence of householder if property located outside the Commonwealth.** Provides that, in order to secure the benefits of the homestead exemption for real estate, a householder shall record a writing declaring his intention to claim such a benefit in the county or city in which such real estate or any part thereof is located or, if such property is located outside the Commonwealth, in the

county or city in the Commonwealth where the householder resides.

*Patron - Simon*

## Hotels, Restaurants, Summer Camps, and Campgrounds

### Passed

**HB1663 Food establishments; certified food protection manager; exemption.** Provides that no regulation issued by the Board of Health (Board) shall require any restaurant that is operated by (i) a nonprofit civic service organization, (ii) a volunteer fire department, or (iii) a volunteer emergency medical services agency to employ a certified food protection manager. The bill defines a “certified food protection manager” as a person who has demonstrated proficiency in food safety issues, regulations, and techniques in maintaining a safe-food environment by passing a test and receiving a certification as part of a program that is accredited by the Board.

*Patron - Edmunds*

## Housing

### Passed

**HB1966 Uniform Statewide Building Code; enforcement by local building departments.** Requires any fees that are levied by a local governing body in order to defray the cost of Building Code enforcement and appeals, with the exception of the levy imposed for the support of training programs of the Building Code Academy, be used only to support the functions of the local building department. The bill also requires local building departments, when denying an application for the issuance of a building permit, to provide to the applicant a written explanation detailing the reasons for which the application was denied. The bill provides that the applicant may submit a revised application addressing the reasons for which the application was previously denied and that, if the applicant does so, the local building department shall be encouraged, but not required, to limit its review of the revised application to only those portions of the application that were previously deemed inadequate and that the applicant has revised.

*Patron - Yancey*

**SB1755 Board of Housing and Community Development; Uniform Statewide Building Code; Statewide Fire Prevention Code; safety and security measures for schools; active shooter or hostile threats.** Directs the Department of Housing and Community Development to convene stakeholders representing entities that enforce the Uniform Statewide Building Code and the Statewide Fire Prevention Code and other law-enforcement organizations to develop proposals for changes to each such code for submission to the Board of Housing and Community Development. Such proposals shall have the goal of assisting in the provision of safety and security measures for the Commonwealth's public or private elementary and secondary schools and public or private institutions of higher education for active shooter or hostile threats. The review conducted by the stakeholders shall include the examination of (i) locking devices, (ii) barricade devices, and (iii) other safety measures that may be utilized in an active shooter

or hostile threat situation that occurs in any classroom or other area where students are located for a finite period of time.

*Patron - Hanger*

### Failed

**HB1645 Virginia Fair Housing Law; unlawful discriminatory housing practices.** 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.

*Patron - Bourne*

**HB1647 Virginia Fair Housing Law; unlawful discriminatory housing practices.** Prohibits any locality, its employees, or its appointed commissions from discriminating (i) in the application of local land use ordinances or guidelines; (ii) in the permitting of housing developments on the basis of race, color, religion, national origin, sex, elderliness, familial status, or handicap; or (iii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action.

*Patron - Bourne*

**HB1823 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.”

*Patron - Convors-Fowler*

**HB1858 Virginia Grocery Investment Program and Fund.** Creates the Virginia Grocery Investment Program and Fund to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects, defined in the bill, in underserved communities.

*Patron - McQuinn*

**HB2677 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.

*Patron - Robinson*

**HB2724 Uniform Statewide Building Code; rental inspection districts; inspection of residential rental dwelling units.** Permits a local building department in a locality that has established a rental inspection district to choose to delay the initial inspection of dwelling units until the first time the units become vacant on or after the establishment of the district, unless an earlier inspection is requested by the owner or a tenant.

*Patron - Helsel*

**SB999 Virginia Grocery Investment Program and Fund.** Creates the Virginia Grocery Investment Program and Fund to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects, defined in the bill, in underserved communities. The provisions of the bill are contingent on funding in a general appropriations act. The bill incorporates SB 1189.

*Patron - Stanley*

**SB1062 Virginia Fair Housing Law; unlawful discriminatory housing practices.** Provides that it is an unlawful discriminatory housing practice for any political jurisdiction or its employees or appointed commissions to discriminate in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, handicap, or because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located. The bill also requires the Fair Housing Board, after consultation with the Attorney General, instead of issuing a charge for a violation, to immediately refer the matter to the Attorney General for civil action in the appropriate circuit court for appropriate relief. The bill contains technical amendments.

*Patron - McClellan*

**SB1109 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".

*Patron - McClellan*

**SB1189 Virginia Grocery Investment Program and Fund.** Creates the Virginia Grocery Investment Program and Fund to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects, defined in the bill, in underserved communities. The bill was incorporated into SB 999.

*Patron - Dance*

**SB1232 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."

*Patron - Ebbin*

**SB1260 Creation of conservation areas.** Allows a planning commission to designate an area as a conservation area. Current law only allows a redevelopment and housing authority to make such designation.

*Patron - Sturtevant*

## Institutions of Higher Education; Other Educational and Cultural Institutions

Passed

**HB1611 Virginia College Savings Plan; prepaid tuition contracts; pricing reserves.** Provides that in the event that the ratio of the assets of the Virginia College Savings Plan (the Plan) to the obligations of the Plan exceeds 105 percent, the pricing reserve, which the bill defines as the percentage by which the actuarially determined prepaid tuition contract price exceeds the amount estimated to meet the actuarially determined tuition obligation for such prepaid tuition contract, shall not exceed five percent. The bill provides that in the event that the ratio of the assets of the Plan to the obligations of the Plan does not meet or exceed 105 percent, the pricing reserve may exceed five percent but shall not exceed 10 percent. The bill also requires the governing board of the Plan to provide to the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Legislative Audit and Review Commission written notification and a detailed explanation of any change to the pricing reserve within 30 days of such change.

*Patron - Landes*

**HB1666 University of Virginia's College at Wise; reduced rate tuition.** Permits the board of visitors of the University of Virginia to charge reduced rate tuition to any student enrolled at the University of Virginia's College at Wise who resides in the Appalachian Region as defined in relevant federal law, is domiciled in the Appalachian Region, and is entitled to in-state tuition charges at a public institution of higher education in the Appalachian Region provided such entitlement is based on circumstances that when applied to a student who resides in Virginia would result in entitlement to in-state tuition. The bill prohibits the board of visitors from setting such reduced rate below the in-state tuition rate for Virginia students attending the University of Virginia's College at Wise. The bill contains an emergency clause and is identical to SB 1519.

*Patron - Kilgore*

**HB1704 State Council of Higher Education for Virginia; financial aid award notification.** Requires any comprehensive financial aid award notification provided to a student by a public institution of higher education or private institution of higher education to meet the requirements and best practices established by the State Council of Higher Education for Virginia in its Financial Aid Award Letters Policies and Guidance. This bill is identical to SB 1593.

*Patron - Reid*

**HB1835 Institute for Advanced Learning and Research; executive director.** Provides that the chief executive of the Institute for Advanced Learning and Research, currently referred to as the executive director, may be referred to as the president or the president and executive director.

*Patron - Marshall*

**HB1920 New Economy Workforce Credential Grant Fund and Program; grant priority.** Requires the State Council of Higher Education for Virginia, in awarding grants pursuant to the New Economy Workforce Credential Grant Program, to give priority to institutions that offer noncredit workforce training programs in high-demand fields in which

employer demand is currently unmet by the available workforce.

*Patron - Stolle*

**HB1936 Public institutions of higher education; in-state tuition; foreign service officers.** Provides that members of the foreign service office who resided in the Commonwealth for at least 90 days immediately prior to receiving a foreign service assignment and who continue to be assigned overseas, and any dependents of such member, are eligible for in-state tuition charges regardless of domicile.

*Patron - Krizek*

**HB1972 Virginia College Savings Plan.** Makes several changes to the provisions that establish the Virginia College Savings Plan (the Plan), including (i) permitting the Plan to maintain an independent disbursement system for the disbursement of prepaid tuition contract benefits and (ii) requiring each prepaid tuition contract entered into on or after July 1, 2019, to include provisions for the application of tuition prepayments, at a rate equal to the percentage of enrollment-weighted average tuition at public institutions of higher education to be determined by the board, at (a) public institutions of higher education, (b) accredited nonprofit independent or private institutions of higher education, and (c) non-Virginia public and accredited nonprofit independent or private institutions of higher education, provided that no such payment is less than the sum of tuition prepayments made, less any fees as determined by the board. This bill is identical to SB 1315.

*Patron - Robinson*

**HB2020 Virginia Community College System; certain registered apprenticeships; uniform instruction.** Requires the Virginia Community College System, in consultation with the Department of Labor and Industry, to develop and deliver uniform, related instruction for registered apprenticeships in high-demand programs, as determined by the Virginia Board of Workforce Development and the Virginia Employment Commission, and for which coursework is not otherwise available. The bill requires such instruction to be available statewide and to be delivered in a face-to-face, online, or blended format.

*Patron - James*

**HB2173 Public institutions of higher education; tuition and fee increases; public comment.** Requires the governing board of each public institution of higher education, prior to a vote on an increase in undergraduate tuition or mandatory fees, to permit public comment on the proposed increase at a meeting of the governing board. The bill requires each such governing board to establish policies for such public comment, which may include reasonable time limitations. This bill is identical to SB 1118.

*Patron - Miyares*

**HB2181 Radford University; authority to establish Roanoke Division.** Authorizes the Radford University Board of Visitors (the board) to establish the Radford University-Roanoke Division (the Division) through the acquisition of Jefferson College of Health Sciences, a nonprofit private institution wholly owned and operated by Carilion Clinic. The bill authorizes the board, upon establishment of the Division, to (i) exercise the same powers with respect to the operation of the Division as are vested in the board regarding the University and (ii) offer at the Division all programs of instruction offered by Jefferson College of Health Sciences at the time of acquisition, including associate-degree programs. The bill permits Radford University to award merit-based and need-based institutional aid to students enrolled at the Division in a manner that

is consistent with practices at the former Jefferson College of Health Sciences. This bill is identical to SB 1506.

*Patron - Rush*

**HB2185 Virginia Rural Information Technology Apprenticeship Grant Fund and Program.** Establishes the Virginia Rural Information Technology Apprenticeship Grant Fund and Program, to be administered by the Southwest Virginia Higher Education Center, for the purpose of awarding grants to small, rural information technology businesses in certain localities in the Southwest and Southside regions of Virginia to establish 18-month apprenticeship programs for full-time employees that combine mentorship and on-the-job training to enhance the experience and skills of such employees.

*Patron - Kilgore*

**HB2290 James Madison University; management agreement.** Provides a management agreement between the Commonwealth and James Madison University pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.). This bill is identical to SB 1386.

*Patron - Leftwich*

**HB2336 Public institutions of higher education; executive officers; salaries.** Requires the governing board of each public institution of higher education to report by September 1 of each year to the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and Education and Health the salary by position of any executive officer of such institution that exceeds for the previous fiscal year the salary limit for the chief executive officer for such institution set forth in the general appropriation act.

*Patron - Landes*

**HB2337 Public institutions of higher education; tuition and fee increases; public comment; report.** Requires the governing board of each public institution of higher education, prior to a vote on an increase in undergraduate tuition or mandatory fees, to permit public comment on the proposed increase at a meeting of the governing board. The bill requires each such governing board to establish policies for such public comment, which may include reasonable time limitations. The bill requires each such governing board to provide, at any meeting at which it approves an increase in undergraduate tuition and mandatory fees, an explanation of any deviation from the project range of the planned increase in such tuition and fees that it previously provided to students and the public. The bill requires the State Council of Higher Education for Virginia to provide to the Governor and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance an annual report on any increase in undergraduate tuition and mandatory fees at a public institution of higher education, the public comment relating to such increase in undergraduate tuition and mandatory fees, and any deviation in the increase in undergraduate tuition and mandatory fees from the increase projected in the institutional six-year plan.

*Patron - Landes*

**HB2350 Public institutions of higher education; tuition and fees; foster care youth.** Provides that any associate degree-granting public institution of higher education other than a comprehensive community college and each baccalaureate public institution of higher education may provide a grant for the payment of tuition and certain fees for any Virginia student who (i) (a) has received a high school diploma or has passed a high school equivalency examination approved by the

Board of Education and was in foster care or in the custody of the Department of Social Services or is considered a special needs adoption at the time such diploma or certificate was awarded or (b) was in foster care when he turned 18 and subsequently received a high school diploma or passed a high school equivalency examination approved by the Board of Education and (ii) meets certain other criteria. Current law requires comprehensive community colleges to provide such grants for such students who are enrolled at comprehensive community colleges.

*Patron - Miyares*

**HB2357 Bonds for institutions of higher education.** Authorizes issuance of bonds in an amount up to \$17,500,000 for revenue-producing capital projects at institutions of higher education. The bill contains an emergency clause and is identical to SB 1319.

*Patron - Jones, S.C.*

**HB2380 Public institutions of higher education; online course catalogue; no-cost and low-cost course materials.** Requires the registrar or another appropriate employee of each public institution of higher education to identify conspicuously in the online course catalogue or registration system, as soon as practicable after the necessary information becomes available, each course for which the instructor exclusively uses no-cost course materials or low-cost course materials.

*Patron - Hurst*

**HB2449 Scholastic records; disclosure of directory information.** Provides that a school or institution of higher education may disclose certain directory information of a student to certain internal persons for educational purposes or internal business if the student has not opted out of such disclosure. Under current law, such disclosures require written consent. The bill also provides an exception for state and federal law requirements from the prohibition of such disclosures.

*Patron - Wilt*

**HB2490 Tech Talent Investment Program.** Creates a grant program to assist qualified public institutions of higher education, defined in the bill, in reaching, by 2039, a goal of increasing by at least 25,000 degrees the number of bachelor's and master's degrees awarded in computer science, computer engineering, and closely related fields, or that otherwise align with traded-sector, technology-focused growth opportunities identified by the Virginia Economic Development Partnership Authority. To be eligible for an annual grant, a qualified institution is required to enter into a memorandum of understanding setting forth specific criteria for eligible degrees, eligible expenses, degree production goals, and graduation rates. Failure to meet criteria would result in the adjustment of future awards.

The bill requires qualified institutions that are grant recipients to report annually on progress towards meeting such goals and that grants issued pursuant to the program are subject to appropriation, and for the Secretary of Finance to report annually regarding the progress of each qualified institution in meeting its goals and the amount of grants awarded to such institution. This bill is identical to SB 1617.

*Patron - Rush*

**HB2620 Public institutions of higher education; governing boards; educational programs.** Requires educational programs for the governing boards of public institutions of higher education to include presentations relating to student debt trends.

*Patron - Miyares*

**HB2653 Public institutions of higher education; innovation; Innovative Internship Fund and Program established.** Permits any public institution of higher education to propose in conjunction with the six-year plan process, and the General Assembly to adopt by reference in the general appropriation act, an innovative proposal for a performance pilot that advances the objectives of the Virginia Higher Education Opportunity Act of 2011. The bill provides that the General Assembly may approve no more than six performance pilots per year.

An innovative proposal may include an institutional partnership performance agreement with mutually dependent commitments among the institution, the Commonwealth, and identified partners. A proposal shall align the strategies, activities, and investments of the institution, the Commonwealth, and any identified partners concerning college access, affordability, cost predictability, and employment pathways for undergraduate Virginia students and other priorities which may be set out in the general appropriation act. The bill contains provisions relating to mandatory and permissive contents of, the approval process for, and the legal effect of any performance agreement.

The bill establishes the Innovative Internship Fund (the Fund) to be used to fund the Innovative Internship Program (the Program). The Fund and the Program would be administered by the State Council of Higher Education for Virginia and would be used to expand internship or other work-based learning opportunities by providing institutional grants to facilitate the readiness of students, employers, and institutions of higher education. The bill requires the Council to establish eligibility criteria for grants. This bill is identical to SB 1628.

*Patron - Cox*

**HB2685 Virginia Military Survivors and Dependents Education Program; eligibility.** Extends the benefits of the Virginia Military Survivors and Dependents Education Program to the spouse or child of a veteran with at least a 90 percent permanent, service-related disability. Under current law, the spouse or child would be eligible for benefits only if the veteran's disability was incurred during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict. Under the provisions of the bill, eligibility for stipends from the Virginia Military Survivors and Dependents Education Fund is unchanged. This bill is identical to SB 1173.

*Patron - Torian*

**HB2699 Virginia Foundation for the Humanities; task force; membership.** Adds five members to the task force established to assist the Virginia Foundation for the Humanities in its work regarding the history of formerly enslaved African Americans in Virginia. The additional members are the executive director of the Virginia Tourism Authority or his designee, the chairman of the board of trustees of the Virginia Outdoors Foundation or his designee, and three nonlegislative citizen members appointed by the Governor, at least one of whom is required to be the president of a historically black college or university located in the Commonwealth.

*Patron - McQuinn*

**SB1068 Members of boards of visitors; employment waiting period.** Prohibits a baccalaureate public institution of higher education from employing an individual appointed by the Governor to the board of visitors of such institution within two years of the expiration of such member's

term but exempts the employment of the institution president or superintendent from such prohibition.

*Patron - Obenshain*

**SB1118 Public institutions of higher education; tuition and fee increases; public comment.** Requires the governing board of each public institution of higher education, prior to a vote on an increase in undergraduate tuition or mandatory fees, to permit public comment on the proposed increase at a meeting of the governing board. The bill requires each such governing board to establish policies for such public comment, which may include reasonable time limitations. This bill is identical to HB 2173.

*Patron - Petersen*

**SB1173 Virginia Military Survivors and Dependents Education Program; eligibility.** Extends the benefits of the Virginia Military Survivors and Dependents Education Program to the spouse or child of a veteran with at least a 90 percent permanent, service-related disability. Under current law, the spouse or child would be eligible for benefits only if the veteran's disability was incurred during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict. Under the provisions of the bill, eligibility for stipends from the Virginia Military Survivors and Dependents Education Fund is unchanged. This bill is identical to HB 2685.

*Patron - McPike*

**SB1234 Public institutions of higher education; governing boards; educational programs.** Requires educational programs for the governing boards of public institutions of higher education to include presentations relating to (i) board members' primary duty to the citizens of the Commonwealth and (ii) student debt trends.

*Patron - DeSteph*

**SB1315 Virginia College Savings Plan.** Makes several changes to the provisions that establish the Virginia College Savings Plan (the Plan), including (i) permitting the Plan to maintain an independent disbursement system for the disbursement of prepaid tuition contract benefits and (ii) requiring each prepaid tuition contract entered into on or after July 1, 2019, to include provisions for the application of tuition prepayments, at a rate equal to the percentage of enrollment-weighted average tuition at public institutions of higher education to be determined by the board, at (a) public institutions of higher education, (b) accredited nonprofit independent or private institutions of higher education, and (c) non-Virginia public and accredited nonprofit independent or private institutions of higher education, provided that no such payment is less than the sum of tuition prepayments made, less any fees as determined by the board. This bill is identical to HB 1972.

*Patron - Hanger*

**SB1319 Bonds for institutions of higher education.** Authorizes issuance of bonds in an amount up to \$17,500,000 for revenue-producing capital projects at institutions of higher education. The bill contains an emergency clause and is identical to HB 2357.

*Patron - Hanger*

**SB1368 Virginia College Savings Plan; prepaid tuition contracts; pricing reserves.** Provides that in the event that the ratio of the assets of the Virginia College Savings Plan (the Plan) to the obligations of the Plan exceeds 105 percent, the pricing reserve, which the bill defines as the percentage by which the sum of advanced payments to be made pursuant to each prepaid tuition contract of the Plan exceeds the amount estimated to be required to provide tuition at the fixed, guaran-

teed level that is specified in such prepaid tuition contract, shall not exceed five percent. The bill provides that in the event that the ratio of the assets of the Plan to the obligations of the Plan does not meet or exceed 105 percent, the pricing reserve may exceed five percent but shall not exceed 10 percent. The bill also requires the governing board of the Plan to provide to the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Legislative Audit and Review Commission written notification and a detailed explanation of any change to the pricing reserve within 30 days of such change.

*Patron - Norment*

**SB1386 James Madison University; management agreement.** Provides a management agreement between the Commonwealth and James Madison University pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.). This bill is identical to HB 2290.

*Patron - McDougle*

**SB1461 State Council of Higher Education for Virginia; certification of certain programs; exemptions.** Provides that any program of tutorial instruction that is delivered and designed to prepare an individual for an examination to demonstrate proficiency or to maintain proficiency in an occupational field is exempt from certification by the State Council of Higher Education for Virginia.

*Patron - McClellan*

**SB1495 Virginia Rural Information Technology Apprenticeship Grant Fund and Program.** Establishes the Virginia Rural Information Technology Apprenticeship Grant Fund and Program, to be administered by the Southwest Virginia Higher Education Center, for the purpose of awarding grants to small, rural information technology businesses in certain localities in the Southwest and Southside regions of Virginia to establish 18-month apprenticeship programs for full-time employees that combine mentorship and on-the-job training to enhance the experience and skills of such employees.

*Patron - Chafin*

**SB1506 Radford University; authority to establish Roanoke Division.** Authorizes the Radford University Board of Visitors (the board) to establish the Radford University-Roanoke Division (the Division) through the acquisition of Jefferson College of Health Sciences, a nonprofit private institution wholly owned and operated by Carilion Clinic. The bill authorizes the board, upon establishment of the Division, to (i) exercise the same powers with respect to the operation of the Division as are vested in the board regarding the University and (ii) offer at the Division all programs of instruction offered by Jefferson College of Health Sciences at the time of acquisition, including associate-degree programs. The bill permits Radford University to award merit-based and need-based institutional aid to students enrolled at the Division in a manner that is consistent with practices at the former Jefferson College of Health Sciences. This bill is identical to HB 2181.

*Patron - Carrico*

**SB1511 Southwest Virginia Higher Education Center.** Requires the board of trustees of the Southwest Virginia Higher Education Center to seek opportunities to collaborate with local comprehensive community colleges to meet specialized noncredit workforce training needs identified by industry. The bill provides that if the local comprehensive community college is unable to meet such needs, then the board of trustees may seek to collaborate with other education providers or may provide Center-delivered specialized noncredit work-

force training independent of local comprehensive community colleges.

*Patron - Carrico*

**SB1519 University of Virginia's College at Wise; reduced rate tuition.** Permits the board of visitors of the University of Virginia to charge reduced rate tuition to any student enrolled at the University of Virginia's College at Wise who resides in the Appalachian Region as defined in relevant federal law, is domiciled in the Appalachian Region, and is entitled to in-state tuition charges at a public institution of higher education in the Appalachian Region provided such entitlement is based on circumstances that when applied to a student who resides in Virginia would result in entitlement to in-state tuition. The bill prohibits the board of visitors from setting such reduced rate below the in-state tuition rate for Virginia students attending the University of Virginia's College at Wise. The bill contains an emergency clause and is identical to HB 1666.

*Patron - Carrico*

**SB1593 State Council of Higher Education for Virginia; financial aid award notification.** Requires any comprehensive financial aid award notification provided to a student by a public institution of higher education or private institution of higher education to meet the requirements and best practices established by the State Council of Higher Education for Virginia in its Financial Aid Award Letters Policies and Guidance. This bill is identical to HB 1704.

*Patron - Dunnivant*

**SB1617 Tech Talent Investment Program.** Creates a grant program to assist qualified public institutions of higher education, defined in the bill, in reaching, by 2039, a goal of increasing by at least 25,000 degrees the number of bachelor's and master's degrees awarded in computer science, computer engineering, and closely related fields, or that otherwise align with traded-sector, technology-focused growth opportunities identified by the Virginia Economic Development Partnership Authority. To be eligible for an annual grant, a qualified institution is required to enter into a memorandum of understanding setting forth specific criteria for eligible degrees, eligible expenses, degree production goals, and graduation rates. Failure to meet criteria would result in the adjustment of future awards.

The bill requires qualified institutions that are grant recipients to report annually on progress towards meeting such goals and that grants issued pursuant to the program are subject to appropriation, and for the Secretary of Finance to report annually regarding the progress of each qualified institution in meeting its goals and the amount of grants awarded to such institution. This bill is identical to HB 2490.

*Patron - Ruff*

**SB1628 Public institutions of higher education; innovation; Innovative Internship Fund and Program established.** Permits any public institution of higher education to propose in conjunction with the six-year plan process, and the General Assembly to adopt by reference in the general appropriation act, an innovative proposal for a performance pilot that advances the objectives of the Virginia Higher Education Opportunity Act of 2011. The bill provides that the General Assembly may approve no more than six performance pilots per year.

An innovative proposal may include an institutional partnership performance agreement with mutually dependent commitments among the institution, the Commonwealth, and identified partners. A proposal shall align the strategies, activi-

ties, and investments of the institution, the Commonwealth, and any identified partners concerning college access, affordability, cost predictability, and employment pathways for undergraduate Virginia students and other priorities which may be set out in the general appropriation act. The bill contains provisions relating to mandatory and permissive contents of, the approval process for, and the legal effect of any performance agreement.

The bill establishes the Innovative Internship Fund (the Fund) to be used to fund the Innovative Internship Program (the Program). The Fund and the Program would be administered by the State Council of Higher Education for Virginia and would be used to expand internship or other work-based learning opportunities by providing institutional grants to facilitate the readiness of students, employers, and institutions of higher education. The bill requires the Council to establish eligibility criteria for grants. This bill is identical to HB 2653.

*Patron - Dunnivant*

## Failed

**HB1830 Certain institutions of higher education; sexual violence policies; scope; student rights.** Requires the Virginia Community College System, Richard Bland College, each baccalaureate public institution of higher education, and each nonprofit private institution of higher education to include in its sexual violence policy certain rights of each student who alleges a violation of such policy and each student who is alleged to have violated such policy, including notice, an opportunity to be heard, and assistance by a licensed attorney, an advocate supervised by a licensed attorney, or another trained advocate in any disciplinary proceeding relating to the alleged violation. The bill requires the State Council of Higher Education for Virginia (the Council) (i) in consultation with state and local bar associations and legal services providers with experience and expertise in disciplinary proceedings relating to alleged violations of the sexual violence policies of such institutions, to generate and maintain a list of attorneys and advocates who are qualified and willing to provide such assistance to students on a pro bono basis or at a reduced-fee rate equivalent to the fee charged by the Legal Services Corporation of Virginia to provide such assistance and (ii) to provide to any attorney or advocate retained by a student funds to provide such assistance at such reduced-fee rate, regardless of whether such attorney or advocate is on the list generated and maintained by the Council.

*Patron - Lindsey*

**HB1831 Public institutions of higher education; enrolled students; disciplinary proceedings; due process.** Establishes several requirements for formal and informal proceedings against any student enrolled at a public institution of higher education who is alleged to have violated a rule, policy, or code of student conduct adopted by the institution, including (i) requiring the institution to provide to the student written notice of (a) the specific rule, policy, or code of student conduct that the student is alleged to have violated and the facts upon which such allegation is based; (b) the time, place, and nature of the proceeding; and (c) the rules governing the proceeding and (ii) granting the student in any such proceeding the right to be present, be represented by legal counsel for the duration of the proceeding and any appeal of the decision or sanctions imposed in the proceeding, present evidence, cross-examine witnesses, make objections, and present arguments.

*Patron - Lindsey*

**HB1882 Eligibility for in-state tuition; certain individuals who have applied for permanent residency.** Declares eligible for in-state tuition any individual who (i) graduated from a public or private high school or program of home instruction in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (ii) registers as an entering student or is enrolled in a public institution of higher education; (iii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least one year prior to the date of registration or enrollment; and (iv) provides an affidavit to the public institution of higher education in which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency.

*Patron - Keam*

**HB2113 Public institutions of higher education; veterans; withdrawal; tuition refund.** Requires each public institution of higher education to provide a refund of the tuition and mandatory fees paid by any veteran student for any course from which he is forced to withdraw, for the first time, due to a service-connected medical condition during a semester, as certified in writing to the institution by a physician licensed to practice medicine who treated the veteran student for such medical condition.

*Patron - Murphy*

**HB2236 Postsecondary schools; enrollment agreements; disputes; arbitration.** Requires each postsecondary school that requires any student to submit to arbitration to resolve disputes with the school pursuant to an enrollment agreement to (i) permit the student to report the dispute to any other individual or entity before the arbitration proceeding is initiated or completed; (ii) report each student dispute to the State Council for Higher Education in Virginia (the Council) before the arbitration proceeding is initiated; (iii) report to the Council certain information about each arbitration proceeding that results from a student dispute, including the nature of the dispute, any defense or counterclaim by the school, and the disposition of the dispute; and (iv) report to the Council annual aggregated data on arbitration proceedings that result from student disputes, including the number, nature, and disposition of such proceedings. The bill prohibits any postsecondary school that is required to be certified by the Council from (a) conditioning the enrollment of a student receiving state funds pursuant to Title 23.1 of the Code of Virginia on entering into an agreement that requires the student to arbitrate any dispute between the student and the school or to resolve a dispute on an individual basis and waive the right to class or group actions and (b) requiring any enrolled student to resolve a dispute between the student and the school pursuant to an internal dispute resolution process.

*Patron - Rodman*

**HB2246 Higher Education Advisory Committee; higher education funding.** Requires the Higher Education Advisory Committee (Advisory Committee) to (i) develop a methodology by which to rate the performance of each public institution of higher education and (ii) review and make recommendations for changes to existing funding methodology and targeted financial incentives. The bill requires the Advisory Committee to consult with national and state policy experts and institutional innovators in other states and consider trends in the implementation of various performance-based funding models, accounting for institutional differences. The Advisory

Committee's recommendations shall be designed to achieve increased degree and credential attainment within high-demand fields, reduction of average time-to-degree, improved affordability for Virginia students and families, reduction of debt of former students and graduates, and improved graduate employment outcomes. The bill requires that such recommendations be designed to result in a funding methodology and targeted financial incentives that allocate at least 80 percent of state appropriations for public higher education according to a set of certain performance metrics. Such recommendations are required to be submitted to the General Assembly and the Governor no later than the first day of the regular session of the General Assembly in 2020.

*Patron - Davis*

**HB2388 Eligibility for in-state tuition; certain individuals.** Declares eligible for in-state tuition any individual who meets certain eligibility criteria and who has filed an application for permanent residency or asylum or is under the age of 27 and is the child of an individual who has filed an application for asylum. The bill provides that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and such application has not been denied. The bill also prohibits any student who became eligible for in-state tuition as a result of his lawful presence in the United States pursuant to approval under the Deferred Action for Childhood Arrivals program or any other federal deferred action program from being deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program.

*Patron - Lopez*

**HB2455 Virginia National Guard; education grants.** Increases from two to three the minimum number of years of remaining obligation that members of the Virginia National Guard are required to have to be eligible for the Virginia National Guard education grant. The bill provides that the grant may be used for vocational and nondegree credit courses and programs and that the cost of fees and textbooks will be included in the calculation of the amount of such grants.

*Patron - Simon*

**HB2471 Public institutions of higher education; admissions applications; criminal history.** Prohibits each public institution of higher education from (i) utilizing an institution-specific admissions application that contains questions about the criminal history of the applicant or (ii) denying admission to any applicant on the basis of any criminal history information provided by the applicant on any third-party admissions application accepted by the institution.

*Patron - Aird*

**HB2476 Public institutions of higher education; tuition and mandatory fees.** Declares the governing board of any public institution of higher education for which the average increase in the amount of undergraduate tuition and mandatory fees over the most recent 10-academic-year period exceeds the average increase in the amount of undergraduate tuition and mandatory fees over such period across each public institution of higher education ineligible to increase undergraduate tuition and mandatory fees for the subsequent academic year. The bill permits each other public institution of higher education to increase undergraduate tuition and mandatory fees for the subsequent academic year by a certain percentage, but prohibits any such percentage increase from exceeding the following product: the annual percentage increase in the average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, from January 1

through December 31 of the year immediately preceding the relevant academic year, multiplied by a certain factor that is based on the size of the increase in the undergraduate tuition and mandatory fees over the most recent 10-academic-year period.

*Patron - Reid*

**HB2518 Disabled Veteran's State Museum Passport established; free entry into state museums and other cultural institutions.** Establishes a Disabled Veteran's State Museum Passport program for veterans of the United States Armed Forces with a service-connected disability rating of 50 percent or higher that entitles the bearer to enter state museums and other cultural institutions without the payment of a parking or admission fee. The passport shall be valid for as long as the determination of a service-connected disability rating of 50 percent or higher by the U.S. Department of Veterans Affairs remains in effect.

*Patron - Ayala*

**HB2567 Public institutions of higher education in the Commonwealth; free exercise of religion on campus.** Provides that, except as otherwise permitted by the First Amendment to the United States Constitution, no public institution of higher education shall prohibit the free exercise of religion by any individual, including enrolled students, faculty and other employees, and invited guests, on campus.

*Patron - LaRock*

**HB2591 Public institutions of higher education; students; determination of domicile.** Prohibits any student at a public institution of higher education from being deemed ineligible to establish domicile and receive in-state tuition charges solely on the basis of the immigration status of his parent.

*Patron - Kory*

**HB2602 Consortium Comprehensive Cancer Center Advisory Board established.** Establishes as an independent advisory board in state government an 11-member Consortium Comprehensive Cancer Center Advisory Board, consisting of the President of Virginia Commonwealth University or his designee, the Vice President for Health Sciences at Virginia Commonwealth University or his designee, the President of the University of Virginia or his designee, the Executive Vice President for Health Affairs at the University of Virginia or his designee, one representative of Eastern Virginia Medical School, one representative of Virginia Tech Carilion School of Medicine and Research Institute, and five other non-legislative citizen members, to study the requirements for designation as a consortium Comprehensive Cancer Center by the National Cancer Institute and make recommendations to Virginia Commonwealth University and the University of Virginia relating to the process for establishing a joint National Cancer Institute-designated consortium Comprehensive Cancer Center, including recommendations relating to a joint leadership structure, research integration, and programmatic integration. The provisions of the bill sunset on July 1, 2022.

*Patron - Jones, S.C.*

**HB2610 Institutions of higher education; certain students issued visas.** Repeals provisions that (i) require each associate-degree-granting and baccalaureate public institution of higher education and private institution of higher education and the governing board, president, or director of any flight school in the Commonwealth to notify the Attorney General whenever (a) an applicant who has been accepted for admission to such institution pursuant to a student visa fails to enroll or (b) a student who has been attending such institution pursuant to a student visa withdraws from such institution or violates

the terms of his visa and (ii) declare any individual holding a student visa or temporary visa ineligible to establish domicile and receive in-state tuition charges.

*Patron - Lopez*

**HB2712 Public institutions of higher education; certain students; eligibility for in-state tuition.** Declares eligible for in-state tuition, regardless of domicile, any non-Virginia student enrolled at a public institution of higher education who (i) pays for at least the equivalent of four semesters or two academic years at the institution with funds received pursuant to the federal Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014, and thereafter exhausts eligibility for benefits under such act or (ii) demonstrates a commitment to pay for at least the equivalent of four semesters or two academic years at the institution with funds received pursuant to such act through an affidavit, provided that (a) any such student maintains continuous enrollment in the same degree program at the same institution after he exhausts eligibility for such benefits and (b) no such student shall remain eligible for in-state tuition charges for more than three years after he exhausts eligibility for such benefits or upon degree completion, whichever occurs first, unless he establishes domicile in the Commonwealth.

*Patron - Tran*

**HB2803 Public institutions of higher education; naloxone.** Authorizes employees of a public institution of higher education who have completed a training program to possess and administer naloxone. The bill requires the governing board of each public institution of higher education to develop and implement policies that require at least one employee at each housing facility and health center owned or controlled by the institution to possess naloxone for administration to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

*Patron - Kory*

**SB1055 In-state tuition; domicile; individuals granted Deferred Action for Childhood Arrivals.** Declares that, absent congressional intent to the contrary, any individual currently granted Deferred Action for Childhood Arrivals by U.S. Citizenship and Immigration Services has the capacity to intend to remain in the Commonwealth indefinitely and is therefore eligible to establish domicile and receive in-state tuition charges at any public institution of higher education in the Commonwealth.

*Patron - Marsden*

**SB1148 Eligibility for in-state tuition; certain individuals who have applied for permanent residency.** Declares eligible for in-state tuition any individual who (i) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (ii) registers as an entering student or is enrolled in a public institution of higher education; (iii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least one year prior to the date of registration or enrollment; and (iv) provides an affidavit to the public institution of higher education in which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency.

*Patron - Marsden*

**SB1204 Public institutions of higher education; student approval of increase in tuition or mandatory fees.** Provides that no increase in undergraduate tuition or mandatory fees approved by a governing board of a public institution of higher education will take effect unless such increase receives an affirmative vote of at least two-thirds of undergraduate students enrolled in such institution.

*Patron - Stuart*

**SB1239 Higher education; members of governing boards; duties.** Provides that the primary duty of any member of a governing board of a public institution of higher education is to the Commonwealth. The bill requires that the educational programs for the governing boards of public institutions of higher education, developed by the State Council of Higher Education for Virginia, shall include presentations on such primary duty.

*Patron - DeSteph*

**SB1261 Public institutions of higher education; tuition and fee increases; public comment.** Requires the governing board of each public institution of higher education, prior to a vote on an increase in undergraduate tuition or mandatory fees, to permit public comment on the proposed increase at a meeting of the governing board. The bill requires each such governing board to establish policies for such public comment, which may include reasonable time limitations.

*Patron - Sturtevant*

**SB1412 Virginia National Guard; education grants.** Increases from two to three the minimum number of years of remaining obligation that members of the Virginia National Guard are required to have to be eligible for the Virginia National Guard education grant. The bill provides that the grant may be used for vocational and nondegree credit courses and programs and that the cost of fees and textbooks will be included in the calculation of the amount of such grants. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Mason*

**SB1546 Higher education; in-state tuition.** Prohibits, without the prior statutory approval of the General Assembly, any percentage increase in in-state tuition for undergraduate students at Virginia's public institutions of higher education that exceeds twice the annual percentage increase, as determined by the State Council of Higher Education for Virginia, in the Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, from January 1 through December 31 of the year immediately preceding the affected year.

*Patron - Sturtevant*

**SB1616 Public institutions of higher education; tuition and mandatory fees.** Declares the governing board of any public institution of higher education for which the average increase in the amount of undergraduate tuition and mandatory fees over the most recent 10-academic-year period exceeds the average increase in the amount of undergraduate tuition and mandatory fees over such period across each public institution of higher education ineligible to increase undergraduate tuition and mandatory fees for the subsequent academic year. The bill permits each other public institution of higher education to increase undergraduate tuition and mandatory fees for the subsequent academic year by a certain percentage, but prohibits any such percentage increase from exceeding the following product: the annual percentage increase in the average Consumer Price Index for all items, all urban consumers (CPI-

U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, from January 1 through December 31 of the year immediately preceding the relevant academic year, multiplied by a certain factor that is based on the size of the increase in the undergraduate tuition and mandatory fees over the most recent 10-academic-year period.

*Patron - Wagner*

**SB1640 Eligibility for in-state tuition; certain individuals who have applied for permanent residency.**

*Patron - Boysko*

**SB1660 Baccalaureate public institutions of higher education; fixed four-year tuition rate.** Requires the governing board of each baccalaureate public institution of higher education to prospectively fix the cost of tuition for incoming freshman Virginia students for four consecutive years, subject to eligibility conditions, beginning with the 2021-2022 academic year. The bill also provides that such institutions may additionally offer a variable in-state tuition rate as an option for such eligible students. The bill exempts the governing board of any such institution that maintains an undergraduate student population composed of at least 80 percent Virginia students from the requirement to establish a four-year fixed tuition rate.

*Patron - Stanley*

**SB1665 Virginia Military Survivors and Dependents Education Program; eligibility.** Expands the definition of "Qualified survivors and dependents" eligible for benefits of the Virginia Military Survivors and Dependents Education Program to the spouse or child of all veterans who served in the Armed Forces of the United States, Reserves of the Armed Forces of the United States, or the Virginia National Guard with at least a 90 percent permanent, service-related disability. Under current law, the spouse or child would be eligible for benefits only if the veteran's disability was incurred during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict. This bill was incorporated into SB 1173.

*Patron - Stuart*

## Insurance

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### Passed

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**HB1640 Health carriers; nurse practitioners.** Requires health insurers and health services plan providers whose policies or contracts cover services that may be legally performed by licensed nurse practitioners to provide equal coverage for such services when rendered by a licensed nurse practitioner. The bill contains an enactment that exempts the measure from the requirement that the Health Insurance Reform Commission review any legislative measure containing a mandated health insurance benefit or provider. The bill has a delayed effective date of October 1, 2019.

*Patron - Ransone*

**HB1661 Association health benefit plans established by associations of employers; health benefit plans for members of certain agricultural organizations.** Authorizes a trust, as a benefits consortium, to sell health benefits plans to members of a sponsoring association, which is a nonstock corporation that operates as a nonprofit agricultural organization and is created primarily to promote programs for the development of rural communities and the economic stability and sustainability of farmers in the Commonwealth. The bill provides

that the trust is subject to the federal Employee Retirement Income Security Act of 1974 and U.S. Department of Labor regulations applicable to multiple employer welfare arrangements and to the authority of the U.S. Department of Labor to enforce such law and regulations. The bill requires the trust to operate as a nonprofit voluntary employee beneficiary association. The bill (i) prohibits a self-funded multiple employer welfare arrangement (MEWA) from issuing health benefit plans in the Commonwealth until it has obtained a license from the State Corporation Commission; (ii) provides that health benefit plans issued by a self-funded MEWA shall be subject to taxes and maintenance assessments levied upon insurance companies; (iii) provides that health benefit plans issued by a self-funded MEWA are subject to protections of and other provisions of the Virginia Life, Accident and Sickness Insurance Guaranty Association; (iv) makes domestic self-funded MEWAs subject to all financial and solvency requirements imposed by provisions of Title 38.2 on domestic insurers unless domestic self-funded MEWAs are otherwise specifically exempted; and (v) provides that health benefit plans issued by a self-funded MEWA shall be exempt from all statutory requirements relating to insurance premium rates, policy forms, and policy cancellation and nonrenewal. The bill provides that the sponsoring association shall not, by virtue of its sponsorship of the benefits consortium or any benefits plan, be subject to the insurance laws of the Commonwealth or the tax levied on insurance companies pursuant to § 58.1-2501. This bill received Governor's recommendations.

*Patron - Head*

**HB1682 Insurance networks; dental services.** Establishes limits on the ability of a health carrier or third-party administrator to sell or otherwise grant access, as provided in a dentist's or oral surgeon's provider contract, to a third-party carrier. The measure provides that such access may be granted only if it is expressly permitted by the provider contract and notice is given to the affected participating providers. The contracting entity or carrier is required to inform participating providers, upon request, which network plans have been granted access to the contract by the contracting entity.

*Patron - Ware*

**HB1759 Insurance holding companies; internationally active insurance groups.** Authorizes a designated state to act as a group-wide supervisor for an internationally active insurance group (IAIG). An IAIG is an insurance holding company group that has premiums written in at least three countries, has at least 10 percent of premiums written in foreign countries, and has total assets greater than \$50 billion or total premiums greater than \$10 billion. The measure enacts provisions of the National Association of Insurance Commissioners' revisions to the Model Insurance Holding Company System Regulatory Act.

*Patron - Ware*

**HB1836 Fire insurance policies; change in amount of coverage.** Prohibits an insurer from increasing or decreasing the amount of fire insurance coverage, including fire insurance in combination with other coverage, on commercial property under a policy that has been in effect for at least 60 days unless the first named insured has consented in writing to such a change.

*Patron - Marshall*

**HB1883 Motor vehicle insurance policies; foster parents and foster children.** Prohibits an insurer from refusing to issue or failing to renew a motor vehicle insurance policy solely because of the status of the applicant or policyholder,

as applicable, as a foster care provider or a person in foster care.

*Patron - Keam*

**HB1915 Expedited review of adverse coverage determinations; cancer patients.** Provides that a covered person shall not be required to have exhausted his health carrier's internal appeal process before seeking an external review of an adverse determination regarding coverage of treatment if the treatment is to treat his cancer. The measure provides that a covered person may request an expedited external review if the adverse determination relates to the treatment of a cancer of the covered person. The measure requires health carriers' notices of the right to an external review to notify covered persons of this provision. This bill is identical to SB 1161. This bill received Governor's recommendations.

*Patron - Yancey*

**HB2109 Guaranteed asset protection waivers.** Establishes requirements for offering guaranteed asset protection (GAP) waivers, which are agreements, entered into as a part of or addendum to a motor vehicle financing agreement, under which the creditor agrees for a separate charge to waive or cancel amounts due on the finance agreement if the financed motor vehicle is totally damaged or stolen. The measure requires the creditor to insure its GAP waiver obligations; prohibits a creditor from conditioning an extension or term of credit on the purchase of a GAP waiver; requires a GAP waiver to include disclosures regarding the cancellation of the GAP waiver during a free look period; and establishes requirements and restrictions for the cancellation of GAP waivers, including refund provisions. The measure provides that GAP waivers are not insurance and are exempt from Virginia's insurance laws. This bill is identical to SB 1325.

*Patron - O'Quinn*

**HB2126 Health insurance; step therapy protocols.** Requires carriers issuing health benefit plans that develop step therapy protocols for a health benefit plan to ensure that those step therapy protocols are (i) developed and endorsed by a multidisciplinary panel of experts that manages conflicts of interest among the members; (ii) based on peer-reviewed research and medical practice; and (iii) continually updated based on a review of new evidence, research, and newly developed treatments. The measure requires that when coverage of a prescription drug for the treatment of a medical condition is restricted for use by a carrier or utilization review organization through the use of a step therapy protocol, the patient and prescribing provider have access to a clear, readily accessible, and convenient process to request a step therapy exception. The measure establishes conditions under which a request for a step therapy exception shall be granted and authorizes a patient to appeal a step therapy exception request denial. The provisions of the measure shall apply to any health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2020.

*Patron - Davis*

**HB2186 Travel insurance.** Establishes procedures and requirements for travel protection plans and travel administrators. The measure establishes travel insurance as an inland marine line of insurance sold by property and casualty insurance agents. The measure (i) prohibits any person from acting as a limited lines travel insurance agent unless properly licensed, (ii) prohibits any person from acting as a travel retailer unless properly registered, and (iii) authorizes the State Corporation Commission to take enforcement actions, including suspending, revoking, or terminating a license. The measure establishes a premium tax on travel insurance premiums paid by residents of the Commonwealth and establishes acceptable practices for the sale and advertising of travel insurance.

The measure applies to travel insurance policies purchased on or after July 1, 2019. This bill is identical to SB 1565.

*Patron - Kilgore*

**HB2230 Insurance; use of credit rating.** Clarifies what constitutes adverse action in the use of credit in the rating and underwriting of homeowners and private passenger automobile insurance policies. An insurer is required to notify the applicant or insured when an insurer takes adverse action based on credit information. The measure conforms the definition of adverse action to the U.S. Supreme Court's decision in *Safeco Insurance Company v. Burr*, in which it held that an adverse action has occurred only when the use of credit information puts the applicant or insured in a worse position than if credit had not been considered.

*Patron - Bagby*

**HB2260 Health insurance; catastrophic health plans.** Authorizes health carriers to offer catastrophic plans on the individual market and to offer such plans to all individuals. The measure provides that a catastrophic plan is deemed to provide an essential health benefits package and to meet certain requirements of federal law. A catastrophic plan is a high-deductible health care plan that provides essential health benefits and coverage for at least three primary care visits per policy year. Under the federal Affordable Care Act, catastrophic plans satisfy requirements that health benefit plans provide minimum levels of coverage only if they cover individuals who are under 30 years of age or who qualify for a hardship exemption or affordability exemption. The measure requires the Commissioner of Insurance to apply to the federal government for a state innovation waiver allowing the implementation of the provision. The provision will become effective 30 days after the Commissioner notifies certain persons that the request has been approved. This bill is identical to SB 1027. This bill was vetoed by the Governor.

*Patron - Robinson*

**HB2345 Health insurance rates; minimum loss ratios.** Codifies certain provisions that currently are set out in regulations adopted by the State Corporation Commission pertaining to the establishment of minimum loss ratios to assure that the benefits provided by accident and sickness insurance policies are or are likely to be reasonable in relation to the premiums charged. The measure authorizes the Commission, upon finding that a premium rate filed will not meet the originally filed and approved loss ratio, to require appropriate rate adjustments, premium refunds, or premium credits as necessary for the coverage to conform with established minimum loss ratio standards.

*Patron - Toscano*

**HB2443 Group health benefit plans; bona fide associations; benefits consortium.** Provides that certain trusts constitute a benefits consortium and are authorized to sell health benefits plans to members of a sponsoring association that is a nonstock corporation, has five or more members participating in one or more benefits plans, has been formed for purposes other than obtaining or providing health benefits, and operates as a nonprofit entity under § 501(c)(6) of the federal Internal Revenue Code. The bill provides that a person may be a member of sponsoring association if he conducts business operations within the Commonwealth, employs individuals who reside in the Commonwealth, and is a member of the sponsoring association. The bill provides that the trust is subject to the federal Employee Retirement Income Security Act of 1974 and U.S. Department of Labor regulations applicable to multiple employer welfare arrangements and to the authority of the U.S. Department of Labor to enforce such law and regulations. The bill (i) prohibits a self-funded multiple employer

welfare arrangement (MEWA) from issuing health benefit plans in the Commonwealth until it has obtained a license from the State Corporation Commission; (ii) provides that health benefit plans issued by a self-funded MEWA shall be subject to taxes and maintenance assessments levied upon insurance companies; (iii) provides that health benefit plans issued by a self-funded MEWA are subject to protections of and other provisions of the Virginia Life, Accident and Sickness Insurance Guaranty Association; (iv) makes domestic self-funded MEWAs subject to all financial and solvency requirements imposed by provisions of Title 38.2 on domestic insurers unless domestic self-funded MEWAs are otherwise specifically exempted; and (v) provides that health benefit plans issued by a self-funded MEWA shall be exempt from all statutory requirements relating to insurance premium rates, policy forms, and policy cancellation and nonrenewal. The bill provides that the sponsoring association shall not, by virtue of its sponsorship of the benefits consortium or any benefits plan, be subject to the insurance laws of the Commonwealth or the tax levied on insurance companies pursuant to § 58.1-2501. The measure removes the requirements that an association to which a group accident and sickness insurance policy is issued has at the outset a minimum of 100 persons, has been organized and maintained in good faith for purposes other than that of obtaining insurance, and has been in active existence for at least five years. The measure also replaces references to "bona fide association," as used in provisions applicable to health care plans in the small employer market, with the term "sponsoring association." This bill received Governor's recommendations.

*Patron - Wilt*

**HB2515 Health insurance; payments made on behalf of enrollee.** Requires any carrier issuing a health plan in the Commonwealth to count any payments made by another person on the enrollee's behalf, as well as payments made by the enrollee, when calculating the enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under the carrier's health plan. This bill is identical to SB 1596.

*Patron - Hugo*

**HB2538 Balance billing; elective services.** Requires a facility where a covered person receives scheduled elective services to post the required notice or inform the covered person of the required notice at the time of pre-admission or pre-registration. The bill also requires such a facility to inform the covered person or his legal representative of the names of all provider groups providing health care services at the facility, that consultation with the covered person's managed care plan is recommended to determine if the provider groups providing health care services at the facility are in-network providers, and that the covered person may be financially responsible for health care services performed by a provider that is not an in-network provider, in addition to any cost-sharing requirements.

*Patron - Ware*

**HB2561 Pharmacy audits; pharmacy benefits managers.** Requires that any contract between a carrier and its intermediary pursuant to which the intermediary has the right or obligation to conduct audits of participating pharmacy providers and any provider contract between a carrier and a participating pharmacy provider or its contracting agent pursuant to which the carrier has the right or obligation to conduct audits of participating pharmacy providers contain certain terms and provisions relating to audits that will apply in the absence of fraud. The terms and provisions (i) require at least 14 days' written notice before conducting the initial audit for each audit cycle; (ii) prohibit the initiation or scheduling of an onsite audit during the first five calendar days of any month or on a Mon-

day; (iii) prohibit an onsite audit of a particular pharmacy location on behalf of a particular carrier more than once in a 12-month period; (iv) require each pharmacy to be audited under the same standards and parameters as every other similarly situated pharmacy; (v) require any audit issues that involve clinical or professional judgment to be conducted by a pharmacist who has available for consultation a pharmacist licensed by the Commonwealth; (vi) require each audit to be conducted by a field agent who possesses the requisite knowledge and experience in pharmacy practice; (vii) require audits to be conducted in the Commonwealth in compliance with federal and state laws, rules, and regulations; (viii) require prescriptions to be considered valid prescriptions if they are compliant with the then-current Board of Pharmacy rules and regulations and have been successfully adjudicated upon a clean claim submission; (ix) require electronic records and documentation to be acceptable for auditing under the same terms, conditions, and validation and for the same purposes as their paper analogs; (x) permit a pharmacy to use the historical records of a hospital, physician, or other authorized practitioner of the healing arts for drugs or medicinal supplies written and transmitted by any documented means of communication for purposes of validating the pharmacy record with respect to orders or refills of a legend or narcotic drug; (xi) require validation and documentation at the time of dispensing of appropriate days' supply and drug dosing to be based on manufacturer guidelines and definitions or, in the case of topical products or titrated products, based on the professional judgment of the pharmacist in communication with the patient or prescriber; (xii) require a pharmacy's usual and customary price for compounded medications to be considered the reimbursable cost unless the pricing methodology is published in the provider contract and signed by both parties or their agents; (xiii) prohibit a carrier or its intermediary from making charge backs or seeking recoupment from a pharmacy, or assessing or collecting penalties from a pharmacy, until the time period for filing an appeal to an initial audit report has passed or until the appeals process has been exhausted, whichever is later; (xiv) establish requirements for a preliminary audit report; (xv) require a pharmacy to be allowed at least 60 calendar days following receipt of the preliminary audit report in which to produce documentation to address any discrepancy found during an audit or to file an appeal; (xvi) establish time periods during which a final audit report containing claim level information for any discrepancy found and total dollar amount of claims subject to recovery is required to be delivered to the pharmacy or its pharmacy corporate office; (xvii) prohibit a carrier or its intermediary from recovering from the pharmacy payment of claims that is identified through the audit process to be the responsibility of another payer; (xviii) prohibit recoupment of amounts paid to a pharmacy for any claim to be made solely on the basis of a prescriber's or patient's lack of response to a request made by a carrier or its intermediary; (xix) require a carrier or its intermediary to issue its initial audit findings in conformity with the laws of the Commonwealth; and (xx) prohibit a carrier or its intermediary from retroactively denying a claim in certain circumstances.

*Patron - Pillion*

**PHB2577 Health insurance; coverage for autism spectrum disorder.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals of any age. Currently, such coverage is required to be provided for individuals from age two through age 10. The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2020. This bill is identical to SB 1693.

*Patron - Thomas*

**PHB2639 Health care shared savings; incentive programs.** Requires health carriers to establish a comparable health care service incentive program under which savings are shared with a covered person who elects to receive a covered comparable health care service from a lower-cost provider. Incentive payments are not required for savings of \$25 or less. The measure requires health carriers to comply with transparency requirements beginning with health benefit plans offered or renewed on or after July 1, 2020. Programs are required to be approved by the Commissioner of Insurance. This bill is identical to SB 1611.

*Patron - Byron*

**PHB2719 Health insurance; small employers.** Revises the definition of "small employer" for purposes of group health insurance policies to provide that an individual who performs any service for remuneration under a contract of hire for (i) a corporation in which he is a shareholder or an immediate family member of a shareholder or (ii) a limited liability company in which he is a member, regardless of the number of members of the limited liability company, shall be deemed to be an employee of the corporation or the limited liability company. The measure provides that a health insurance issuer shall not be required to issue more than one group health plan for each employer identification number issued by the Internal Revenue Service for a business entity, without regard to the number of shareholders or members of such business entity. This bill is identical to SB 1475.

*Patron - Pillion*

**PHB2723 Portable electronics insurance; notices.** Authorizes an insurer or vendor of portable electronics insurance to issue notices and correspondence by mail or by electronic means. The bill provides that a consumer's provision of an electronic mail address to such an insurer or vendor shall be considered to be the customer's consent to receive notices and correspondence by electronic means so long as a disclosure to that effect is provided to the customer within 30 days following the purchase of portable electronics insurance.

*Patron - Wilt*

**PHB2770 Health policies; variances in area rating factors.** Requires a rate filing by a health carrier that proposes area rate factors in the individual or small group market that exceed the weighted average of the proposed area rate factors among all rating areas by more than 15 percent to include, in publicly available and unredacted form, a comparison of the area rate factor for individual and small group plans that utilize the same provider network and provider reimbursement levels of the health benefit plans that are subject to the filing. In addition, to the extent that the health carrier is deriving any area rate factor from experience data, the measure requires the health carrier to provide additional information, including aggregated incurred claims for any provider exceeding 30 percent of total claims for the rating area in that market. The measure requires the State Corporation Commission to hold a public hearing before approving such proposed rates. The measure also bars the Commission from approving such a proposed rate filing if (i) a variance in area rate factors, indexed to the same rating region for both the individual and small group markets, of 15 percent or more exists between health benefit plans a carrier intends to offer in the individual market and health benefit plans intended to be offered in the small group market, when those plans utilize the same provider networks and reimbursement levels and (ii) the methodologies used to calculate the area rate factors are different between the two markets. The measure provides that beginning for plan year 2020, a health carrier with an approved rate filing that contains at least one area rate factor that exceeds by more than 25 per-

cent the weighted average of the area rate factors among all rating areas in a market in which the health carrier offers individual or small group health insurance coverage shall file with the Commission for each calendar quarter during that plan year a report that provides, for each rating area within the market in which the health carrier operates, the plan's enrollment, total premiums, allowed claims, incurred claims excluding anticipated or, if available, actual risk adjustment payments or receipts, incurred claims including anticipated or, if available, actual risk adjustment payments or receipts, loss ratio, and aggregate claims, for each provider exceeding 25 percent of total claims for that rating area. The measure requires the health carrier to make each such quarterly report publicly available, without redaction, not later than 45 days after the end of the calendar quarter. This bill is identical to SB 1734.

*Patron - Murphy*

**SB1027 Health insurance; catastrophic health plans.** Authorizes health carriers to offer catastrophic plans on the individual market and to offer such plans to all individuals. The measure provides that a catastrophic plan is deemed to provide an essential health benefits package and to meet certain requirements of federal law. A catastrophic plan is a high-deductible health care plan that provides essential health benefits and coverage for at least three primary care visits per policy year. Under the federal Affordable Care Act, catastrophic plans satisfy requirements that health benefit plans provide minimum levels of coverage only if they cover individuals who are under 30 years of age or who qualify for a hardship exemption or affordability exemption. The measure requires the Commissioner of Insurance to apply to the federal government for a state innovation waiver allowing the implementation of the provision. The provision will become effective 30 days after the Commissioner notifies certain persons that the request has been approved. This bill is identical to HB 2260. This bill was vetoed by the Governor.

*Patron - Sturtevant*

**SB1161 Expedited review of adverse coverage determinations; cancer patients.** Provides that a covered person shall not be required to have exhausted his health carrier's internal appeal process before seeking an external review of an adverse determination regarding coverage of treatment if the treatment is to treat his cancer. The measure provides that a covered person may request an expedited external review if the adverse determination relates to the treatment of a cancer of the covered person. The measure requires health carriers' notices of the right to an external review to notify covered persons of this provision. This bill is identical to HB 1915. This bill received Governor's recommendations.

*Patron - Ruff*

**SB1178 Health carriers; nurse practitioners.** Requires health insurers and health services plan providers whose policies or contracts cover services that may be legally performed by licensed nurse practitioners to provide equal coverage for such services when rendered by a licensed nurse practitioner. The bill contains an enactment that exempts the measure from the requirement that the Health Insurance Reform Commission review any legislative measure containing a mandated health insurance benefit or provider. The bill has a delayed effective date of October 1, 2019.

*Patron - Sturtevant*

**SB1197 Pharmacies; freedom of choice.** Requires carriers that provide exclusive provider policies and contracts to allow consumers freedom of choice for pharmacy benefits. This requirement currently applies to health insurers, health

services plans, and health maintenance organizations in Virginia.

*Patron - Dance*

**SB1222 Insurance licensing and continuing education course requirements.** Requires the biennial renewal, for individuals and business entities, of licenses by insurance agents, consultants, public adjusters, surplus lines brokers, and viatical settlement brokers by a producer's year and month of birth. The measure also requires fingerprinting for the purpose of conducting state and federal criminal background checks on new resident applicants. The measure establishes fees for processing license renewal applications, requires proof of compliance with continuing education requirements, addresses reinstatement of licenses, and provides for waivers of certain requirements. The measure requires licensed persons to report changes in their name or address. The measure provides that the registration fee for settlement agents will be prescribed by the Commission and that the Commission will retain the authority to enforce these provisions against any person who is under investigation for or charged with a violation. The measure also revises the timeline for completion of insurance continuing education courses to require completion biennially, based on an insurance agent's year and month of birth. The measure modifies the membership of the insurance continuing education board and the criteria for selection by the State Corporation Commission of the same. The measure also includes clarifications and removes obsolete requirements. The bill has a delayed effective date of January 1, 2021. The bill incorporates SB 1747.

*Patron - Chafin*

**SB1240 Health insurance; short-term, limited-duration plans.** Authorizes health insurance carriers in the Commonwealth to offer short-term, limited-duration health plans. Short-term, limited-duration health plans are defined as plans that have an expiration date that is less than 12 months after the original effective date of the contract, policy, or plan and, taking into account renewals or extensions, have a duration that does not exceed 36 months. Short-term health plans are required to include a specified disclaimer. This bill was vetoed by the Governor.

*Patron - Reeves*

**SB1293 Uninsured motorist insurance coverage; settlement and release.** Provides that any release executed as a result of a liability insurer settling a personal injury claim with an underinsured claimant for the available limits of the liability insurer's coverage shall not operate to release any parties other than the liability insurer and the underinsured motorist. The bill clarifies that neither a duty to defend nor an attorney-client relationship is created between the underinsured motorist and counsel for the underinsured motorist benefits insurer without the express intent and agreement of the underinsured motorist. The measure modifies the language in the written notice that is required to be provided to the underinsured motorist upon settlement to further clarify that no attorney-client relationship or duty to defend is created between the underinsured motorist and the underinsured motorist benefits insurer as a result of the settlement and release. The bill clarifies that by sending the notice and release to the underinsured motorist's last known address by certified mail, the liability insurer satisfies the requirement of having the underinsured motorist sign the release and initial the notice.

*Patron - Chafin*

**SB1325 Guaranteed asset protection waivers.** Establishes requirements for offering guaranteed asset protection (GAP) waivers, which are agreements, entered into as a part of or addendum to a motor vehicle financing agreement,

under which the creditor agrees for a separate charge to waive or cancel amounts due on the finance agreement if the financed motor vehicle is totally damaged or stolen. The measure requires the creditor to insure its GAP waiver obligations; prohibits a creditor from conditioning an extension or term of credit on the purchase of a GAP waiver; requires a GAP waiver to include disclosures regarding the cancellation of the GAP waiver during a free look period; and establishes requirements and restrictions for the cancellation of GAP waivers, including refund provisions. The measure provides that GAP waivers are not insurance and are exempt from Virginia's insurance laws. This bill is identical to HB 2109.

*Patron - Chafin*

**SB1411 Burn buildings; change in terminology.** Changes the term “burn buildings” in the Code of Virginia to “live fire training structures” to conform to the terminology used by the National Fire Protection Association and the Virginia Department of Fire Programs.

*Patron - Mason*

**SB1415 Public adjusters.** Provides that public adjusting includes soliciting an insured. The measure expands the list of activities in which any person other than a licensed public adjuster is prohibited from engaging to include (i) preparing, completing, or filing an insurance claim on behalf of an insured; (ii) aiding or acting on behalf of an insured in negotiating for or effecting the settlement of a claim for loss or damage covered by an insurance contract; (iii) advertising for employment as a public adjuster; or (iv) soliciting, investigating, or adjusting a claim on behalf of a public adjuster or an insured. The measure provides that an insured may void a contract he may have signed with a person who is not licensed as a public adjuster. The measure also requires that (a) the account into which funds received by a public adjuster on behalf of an insured toward the settlement of a claim be a noninterest-bearing account and (b) the public adjuster keep accurate and itemized records of the funds deposited into the account, which funds are required to be held separately from other funds and be reasonably ascertainable from the books of accounts and records of the public adjuster.

*Patron - Mason*

**SB1475 Health insurance; small employers.** Revises the definition of “small employer” for purposes of group health insurance policies to provide that an individual who performs any service for remuneration under a contract of hire for (i) a corporation in which he is a shareholder or an immediate family member of a shareholder or (ii) a limited liability company in which he is a member, regardless of the number of members of the limited liability company, shall be deemed to be an employee of the corporation or the limited liability company. The measure provides that a health insurance issuer shall not be required to issue more than one group health plan for each employer identification number issued by the Internal Revenue Service for a business entity, without regard to the number of shareholders or members of such business entity. This bill is identical to HB 2719.

*Patron - Deeds*

**SB1565 Travel insurance.** Establishes procedures and requirements for travel protection plans and travel administrators. The measure establishes travel insurance as an inland marine line of insurance sold by property and casualty insurance agents. The measure (i) prohibits any person from acting as a limited lines travel insurance agent unless properly licensed, (ii) prohibits any person from acting as a travel retailer unless properly registered, and (iii) authorizes the State Corporation Commission to take enforcement actions, including suspending, revoking, or terminating a license. The mea-

sure establishes a premium tax on travel insurance premiums paid by residents of the Commonwealth and establishes acceptable practices for the sale and advertising of travel insurance. The measure applies to travel insurance policies purchased on or after July 1, 2019. This bill is identical to HB 2186.

*Patron - Dunnivant*

**SB1596 Health insurance; payments made on behalf of enrollee.** Requires any carrier issuing a health plan in the Commonwealth to count any payments made by another person on the enrollee's behalf, as well as payments made by the enrollee, when calculating the enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under the carrier's health plan. This bill is identical to HB 2515.

*Patron - Dunnivant*

**SB1607 Health insurance; carrier business practices; authorization of health care services.** Provides that if a carrier has previously authorized an invasive or surgical health care service as medically necessary and during the procedure the health care provider discovers clinical evidence prompting the provider to perform a less or more extensive or complicated procedure than was previously authorized, then the carrier shall pay the claim, provided that it is appropriately coded consistent with the procedure actually performed, the additional procedures were not investigative in nature, and the additional procedure was compliant with a carrier's post-service claims process. The measure requires any provider contract between a carrier and a participating health care provider to contain certain specific provisions addressing how carriers interact with prior authorization requests. The measure requires that no prior authorization is required for at least one drug prescribed for substance abuse medication-assisted treatment, provided that (i) the drug is a covered benefit, (ii) the prescription does not exceed the FDA labeled dosages, and (iii) the drug is prescribed consistent with the regulations of the Board of Medicine. The measure clarifies that the 24-hour period during which a carrier is required to communicate to a prescriber if an urgent prior authorization request submitted telephonically or in an alternate method directed by the carrier has been approved, denied, or requires supplementation includes weekend hours. The measure provides that a carrier shall not be required to pay a claim if the carrier has previously authorized health care service and if, during the post-service claims process, it is determined that the claim was submitted fraudulently.

*Patron - Dunnivant*

**SB1611 Health care shared savings; incentive programs.** Requires health carriers to establish a comparable health care service incentive program under which savings are shared with a covered person who elects to receive a covered comparable health care service from a lower-cost provider. Incentive payments are not required for savings of \$25 or less. The measure requires health carriers to comply with transparency requirements beginning with health benefit plans offered or renewed on or after July 1, 2020. Programs are required to be approved by the Commissioner of Insurance. This bill is identical to HB 2639.

*Patron - Dunnivant*

**SB1674 Health insurance; short-term, limited-duration health plans; guaranteed option.** Provides that any carrier offering short-term, limited-duration health plans may offer for sale a guaranteed option, defined in the bill as a contract or agreement between a covered person and a carrier that guarantees the option of the covered person to purchase a new short-term, limited-duration health plan at a future date without re-underwriting. The measure specifies that a guaranteed

option is not a health benefit plan and that any guaranteed option may set a specified premium rate for any short-term, limited-duration health plan that it guarantees will be available to the covered person in the future. This bill was vetoed by the Governor.

*Patron - Reeves*

**SB1685 Health insurance; credentialing; mental health professionals.** Requires health insurers and other carriers that credential the mental health professionals in their provider networks to establish reasonable protocols and procedures for reimbursing a mental health professional who has submitted a completed credentialing application to a carrier, after being credentialed by the carrier, for mental health services provided to covered persons during the period in which the applicant's completed credentialing application is pending. The measure requires health maintenance organizations that issue Medicaid coverage to provide reimbursement to physicians and mental health professionals during the credentialing process. Under current law, Medicare Advantage plans and Medicaid plans are excluded from such requirement. The measure provides that health insurers that credential mental health professionals in their network may establish reasonable protocols and procedures for credentialing private mental health agencies. The bill establishes minimum standards that must be maintained by credentialed private mental health agencies.

*Patron - Dunnivant*

**SB1689 Group health benefit plans; bona fide associations; benefits consortium.** Provides that certain trusts constitute a benefits consortium and are authorized to sell health benefits plans to members of a sponsoring association that is a nonstock corporation, has five or more members participating in one or more benefits plans, has been formed for purposes other than obtaining or providing health benefits, and operates as a nonprofit entity under § 501(c)(6) of the federal Internal Revenue Code. The bill provides that a person may be a member of sponsoring association without having any employees if the person is a sole proprietorship, a corporation with a single shareholder, or a limited liability company with a single member. The bill provides that the trust is subject to the federal Employee Retirement Income Security Act of 1974 and U.S. Department of Labor regulations applicable to multiple employer welfare arrangements and to the authority of the U.S. Department of Labor to enforce such law and regulations. The bill (i) prohibits a self-funded multiple employer welfare arrangement (MEWA) from issuing health benefit plans in the Commonwealth until it has obtained a license from the State Corporation Commission; (ii) provides that health benefit plans issued by a self-funded MEWA shall be subject to taxes and maintenance assessments levied upon insurance companies; (iii) provides that health benefit plans issued by a self-funded MEWA are subject to protections of and other provisions of the Virginia Life, Accident and Sickness Insurance Guaranty Association; (iv) makes domestic self-funded MEWAs subject to all financial and solvency requirements imposed by provisions of Title 38.2 on domestic insurers unless domestic self-funded MEWAs are otherwise specifically exempted; and (v) provides that health benefit plans issued by a self-funded MEWA shall be exempt from all statutory requirements relating to insurance premium rates, policy forms, and policy cancellation and nonrenewal. The bill provides that the sponsoring association shall not, by virtue of its sponsorship of the benefits consortium or any benefits plan, be subject to the insurance laws of the Commonwealth or the tax levied on insurance companies pursuant to § 58.1-2501. The measure removes the requirements that an association to which a group accident and sickness insurance policy is issued has at the outset a minimum of 100 persons, has been organized and

maintained in good faith for purposes other than that of obtaining insurance, and has been in active existence for at least five years. The measure also replaces references to “bona fide association,” as used in provisions applicable to health care plans in the small employer market, with the term “sponsoring association.” This bill received Governor’s recommendations.

*Patron - Dunnivant*

**SB1693 Health insurance; coverage for autism spectrum disorder.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals of any age. Currently, such coverage is required to be provided for individuals from age two through age 10. The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2020. This bill is identical to HB 2577.

*Patron - Vogel*

**SB1734 Health policies; variances in area rating factors.** Requires a rate filing by a health carrier that proposes area rate factors in the individual or small group market that exceed the weighted average of the proposed area rate factors among all rating areas by more than 15 percent to include, in publicly available and unredacted form, a comparison of the area rate factor for individual and small group plans that utilize the same provider network and provider reimbursement levels of the health benefit plans that are subject to the filing. In addition, to the extent that the health carrier is deriving any area rate factor from experience data, the measure requires the health carrier to provide additional information, including aggregated incurred claims for any provider exceeding 30 percent of total claims for the rating area in that market. The measure requires the State Corporation Commission to hold a public hearing before approving such proposed rates. The measure also bars the Commission from approving such a proposed rate filing if (i) a variance in area rate factors, indexed to the same rating region for both the individual and small group markets, of 15 percent or more exists between health benefit plans a carrier intends to offer in the individual market and health benefit plans intended to be offered in the small group market, when those plans utilize the same provider networks and reimbursement levels and (ii) the methodologies used to calculate the area rate factors are different between the two markets. The measure provides that beginning for plan year 2020, a health carrier with an approved rate filing that contains at least one area rate factor that exceeds by more than 25 percent the weighted average of the area rate factors among all rating areas in a market in which the health carrier offers individual or small group health insurance coverage shall file with the Commission for each calendar quarter during that plan year a report that provides, for each rating area within the market in which the health carrier operates, the plan's enrollment, total premiums, allowed claims, incurred claims excluding anticipated or, if available, actual risk adjustment payments or receipts, incurred claims including anticipated or, if available, actual risk adjustment payments or receipts, loss ratio, and aggregate claims, for each provider exceeding 25 percent of total claims for that rating area. The measure requires the health carrier to make each such quarterly report publicly available, without redaction, not later than 45 days after the end of the calendar quarter. This bill is identical to HB 2770.

*Patron - Deeds*

**Failed**

**HB1714 Balance billing; emergency services.** Directs health carriers that provide individual or group health

insurance that provide any benefits with respect to services rendered in an emergency department of a hospital to pay directly to an out-of-network health care provider the fair market value for the emergency services, less applicable cost-sharing requirements. The bill provides that direct payment from the health carrier to the out-of-network health care provider precludes the out-of-network health care provider from billing or seeking payment from the covered person for any other amount other than the applicable cost-sharing requirements. The measure defines fair market value as that price that is determined by considering the amounts billed to and accepted from health carriers or managed care plans by similar providers for comparable out-of-network emergency services in the community where the services were rendered, with the exclusion of amounts accepted by providers for patients covered by Medicare or Medicaid. The bill removes from the determination of whether a medical condition is an emergency medical condition the final diagnosis rendered to the covered person.

*Patron - Ware*

**HB1864 Health insurance; nondiscrimination; gender identity or transgender status.** Prohibits a health carrier from denying or limiting coverage or imposing additional cost sharing or other limitations or restrictions on coverage, under a health benefit plan for health care services that are ordinarily or exclusively available to covered individuals of one sex, to a transgender individual on the basis of the fact that the individual's sex assigned at birth, gender identity, or gender otherwise recorded is different from the one to which such health services are ordinarily or exclusively available. The measure also prohibits a health carrier from (i) subjecting an individual to discrimination under a health benefit plan on the basis of gender identity or being a transgender individual or (ii) requiring that an individual, as a condition of enrollment or continued enrollment under a health benefit plan, pay a premium that is greater than the premium for a similarly situated covered person enrolled in the plan on the basis of the covered person's gender identity or being a transgender individual. The measure requires health carriers to assess medical necessity according to nondiscriminatory criteria that are consistent with current medical standards.

*Patron - Rodman*

**HB1967 Physicians; requirement of medical specialty board certification prohibited.** Prohibits hospitals and other entities that employ or provide staff membership or professional privileges to individuals licensed to practice medicine in the Commonwealth, medical malpractice insurance providers, or health insurance providers from considering active certification of a physician by a medical specialty board of the American Board of Medical Specialties, the National Board of Physicians and Surgeons, the American Osteopathic Association, the National Board of Osteopathic Physicians and Surgeons, or any other nationally recognized entity providing medical specialty certification as a prerequisite for employment, the granting or continuing of staff membership or professional privileges, issuance of medical malpractice insurance coverage, reimbursement for services provided to a person covered by a health insurance policy, or licensure to practice medicine in the Commonwealth.

*Patron - Rasoul*

**HB2049 Health insurance; coverage for donated human breast milk.** Requires health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for expenses incurred in the provision of pasteurized donated human breast milk. The requirement applies if the covered person is an infant under the age of six months, the milk is obtained from a human milk bank that meets quality guidelines

established by the Department of Health, and a licensed medical practitioner has issued an order for an infant who satisfies certain criteria. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on or after January 1, 2020. The measure also requires the state plan for medical assistance services to include a provision for payment of medical assistance services incurred in the provision of pasteurized donated human breast milk.

*Patron - Carroll Foy*

**HB2177 Health insurance; formula and enteral nutrition products.** Requires health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for medicines to classify medically necessary formula and enteral nutrition products as medicine and to include coverage for medically necessary formula and enteral nutrition products on the same terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan.

*Patron - Murphy*

**HB2202 Health care provider panels; vertically integrated carriers; public hospitals.** Requires any vertically integrated carrier to offer to every public hospital participation in each provider panel or network established for each of the vertically integrated carrier's policies, products, and plans, including all policies, products, and plans offered to individuals, employers, and enrollees in state and federal government benefit programs. The measure requires that the offered participation (i) be without any adverse tiering or other financial incentives that may discourage enrollees from utilizing the services of the public hospital and (ii) include all services offered by the public hospital and any other entity owned, operated, or controlled by a public hospital. The bill defines "vertically integrated carrier" as a health insurer or other carrier that owns an interest in, is owned by, or is under common ownership or control with an acute care hospital facility, excluding an entity that is under the ultimate control of or under common control with a public hospital.

*Patron - Kilgore*

**HB2207 Health insurance; coverage for contraceptives.** Requires health insurance carriers to provide coverage, under any health insurance policy, contract, or plan that includes coverage for prescription drugs on an outpatient basis, for any prescribed contraceptive drug, contraceptive device, or contraceptive procedure. Currently, health insurance carriers are required to offer and make available such coverage. The measure prohibits a health insurance carrier from imposing any copayment, coinsurance payment, or fee upon any person receiving contraceptive benefits pursuant to the provisions of the measure. The measure applies to health insurance contracts, policies, or plans delivered, issued for delivery, or renewed on and after January 1, 2020.

*Patron - Filler-Corn*

**HB2223 Pharmacies; delivery of prescription drugs; pharmacy benefits managers.** Requires health every carrier, as applicable, to administer its health benefit plans in a manner consistent with, or include in contracts for pharmacy benefits management, criteria and provisions that (i) permit a covered individual to fill any mail order-covered prescription, at the covered individual's option, at any mail order pharmacy or network participating retail community pharmacy if the network participating retail community pharmacy agrees to accept a price that is comparable to that of the mail order pharmacy, calculated to reflect all drug manufacturer's rebates, direct and indirect administrative fees, costs and any remuneration; (ii) prohibit a pharmacy benefits manager (PBM) or carrier from imposing a differential copayment, additional fee, or other con-

dition on any covered individual who elects to fill his prescription at an in-network retail community pharmacy that is not similarly imposed on covered individuals electing to fill a prescription from a mail order pharmacy; and (iii) require the PBM to use the same benchmark index to reimburse all pharmacies participating in the health benefit plan regardless of whether a pharmacy is a mail order pharmacy or a retail community pharmacy. The measure applies with respect to contracts entered into, amended, extended, or renewed on or after January 1, 2020.

*Patron - O'Quinn*

**HB2378 Reproductive health services.** Requires health benefit plans to cover the costs of specified health care services, drugs, devices, products, and procedures related to reproductive health. The health benefit plan requirements become effective when a plan is delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2020, or at any time thereafter when any term of the health benefit plan is changed or any premium adjustment is made. The measure also requires the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of the costs of a reproductive health care program providing reimbursement for medically necessary reproductive health care services, drugs, devices, products, and procedures for eligible individuals.

*Patron - Price*

**HB2444 Legal services plans.** Repeals provisions under which the State Corporation Commission regulates legal services plans and under which the Department of Agriculture and Consumer Services regulates sellers of legal services plans. The measure also eliminates the premium tax assessed on legal services plans.

*Patron - Wilt*

**HB2516 Health insurance rate reviews; minimum anticipated loss ratios; pharmacy benefit price spread.** Requires the State Corporation Commission (Commission) to treat the price spread on any contract between the issuer of a health benefit plan and its pharmacy benefits manager as an administrative cost of the issuer. The measure requires the issuer's administrative costs to be excluded from the amount of benefits provided under a health benefit plan when the Commission determines the health benefit plan's anticipated loss ratio. The measure codifies portions of the Commission's regulations promulgated to implement the requirement that it review and approve the premium rates for health benefit plans, including the requirement that the benefits provided by a health benefit plan are reasonable in relation to the premiums charged.

*Patron - Hodges*

**HB2543 Health benefit plans; balance billing for ancillary services.** Prohibits an out-of-network provider from balance billing a covered person for the costs of an ancillary service when an in-network provider referred the covered person to the out-of-network provider unless (i) the referring in-network provider provided the covered person with a notice of liability for the balance; (ii) the out-of-network provider, prior to providing an ancillary service to the covered person, provided a good faith estimate of the out-of-network provider's charges upon request; (iii) the out-of-network provider provided the covered person with a notice of liability for the balance; and (iv) the covered person acknowledged, by signing the out-of-network provider's notice of liability for the balance, that he is aware that using the out-of-network provider may result in his being balance billed. The prohibition on balance billing applies to amounts in excess of the allowed amount, which is the amount that a carrier is obligated to pay, pursuant

to the terms of the covered person's health benefit plan, to a covered person for ancillary services provided by an out-of-network provider, net any copayment, deductible, or other cost-sharing amount.

*Patron - Byron*

**HB2544 Balance billing for emergency services.** Establishes that an individual shall not be required to pay to an out-of-network provider for emergency services any amount in excess of the amount the health carrier is required to pay for covered services except applicable deductibles, copayment, coinsurance, or other cost-sharing amounts deemed by the health carrier to be non-covered services. The measure also replaces one of the three tests for determining the benefit the carrier is required to provide to an out-of-network provider of emergency services. The new test is the average of the contracted commercial rates paid by the health carrier for the same emergency service in the geographic region, which test replaces the amount negotiated with in-network providers for the emergency service, or if more than one amount is negotiated, the median of these amounts. The measure also authorizes an out-of-network provider to request the Bureau of Insurance to determine whether the benefits that the health carrier has determined to satisfy its obligation to provide benefits for emergency services provided satisfy that obligation.

*Patron - Byron*

**HB2598 Health carriers; registered surgical assistants.** Requires health insurers and health service plan providers whose policies or contracts cover services that may be legally performed by a registered surgical assistant to provide equal coverage for such services when rendered by a registered surgical assistant.

*Patron - Hayes*

**HB2601 Health insurance; coverage for hearing aids for minors.** Requires health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for the billed charges of one hearing aid per hearing impaired ear not to exceed \$3,000 per hearing aid for minors. The measure requires the coverage to provide the replacement for one hearing aid per hearing impaired ear every 48 months. The measure exempts the requirement for coverage if (i) the contract, policy, or plan is offered by any employer with 10 or fewer employees; (ii) an actuary certifies that providing the coverage will result in an increase in premiums of one percent or more; or (iii) the contract, policy, or plan is offered on a health benefit exchange and the benefits provided exceed the essential health benefits required under § 1302(b) of the federal Patient Protection and Affordable Care Act. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on or after January 1, 2020.

*Patron - Plum*

**HB2669 Health insurance; coverage for prosthetic devices.** Requires health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for prosthetic devices, including myoelectric, biomechanical, or microprocessor-controlled prosthetic devices that have a Medicare code. The measure repeals the existing requirement that coverage for prosthetic devices be offered and made available. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on or after January 1, 2020, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

*Patron - Roem*

**HB2771 Medicare supplement policies; switching plans.** Authorizes an individual to purchase any type of Medicare supplement policy, of any plan type, during an annual open enrollment period lasting 30 days or more, commencing with the individual's birthday. The ability to switch such policies is subject to the limitation that the new plan offers benefits equal to or lesser than those provided by the individual's previous coverage. The measure prohibits the issuer of the new policy from denying or conditioning its issuance on the individual's health status, claims experience, receipt of health care, or medical condition if, at the time of the open enrollment period, the individual is covered under another Medicare supplement policy or contract.

*Patron - Bell, Robert B.*

**SB1006 Health benefit plans; sale by authorized foreign health insurers.** Establishes a procedure by which the State Corporation Commission may authorize health insurers licensed to sell health benefit plans in any other state to sell health benefit plans in Virginia without obtaining a license to engage in the business of insurance in Virginia or complying with other requirements applicable to Virginia-licensed insurers. A health benefit plan sold by an authorized foreign health insurer is not required to include state-mandated health benefits. The measure establishes criteria to be used by the Commission in determining whether to authorize a foreign health insurer to sell, offer, or provide a health benefit plan in the Commonwealth. The measure authorizes the Commission to conduct market conduct and financial condition examinations of any foreign health insurer that has applied for, or has received, authorization to sell health benefit plans in Virginia. The measure also specifies disclosures that an authorized foreign health insurer is required to include in applications and policies. The measure has a delayed effective date of January 1, 2020.

*Patron - Chase*

**SB1010 Health insurance; coverage for Lyme disease therapy.** Requires health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations, whose policy, contract, or plan includes coverage for prescription drugs, to provide coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be medically necessary and ordered by a licensed physician after making a thorough evaluation of the patient's symptoms, diagnostic test results, or response to treatment. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on or after January 1, 2020.

*Patron - Black*

**SB1132 Reproductive health services.** Requires health benefit plans to cover the costs of specified health care services, drugs, devices, products, and procedures related to reproductive health, including (i) contraception and women's preventive health services identified by the Health Resources and Services Administration of the U.S. Department of Health and Human Services or the women's preventive services initiative as of January 1, 2017; (ii) screening to determine whether counseling and testing related to the BRCA1 or BRCA2 genetic mutations is indicated and testing and genetic counseling related to the BRCA1 or BRCA2 genetic mutations if indicated; (iii) abortion to the extent permitted by applicable law; and (d) voluntary sterilization. The health benefit plan requirements become effective when a plan is delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2020, or at any time thereafter when any term of the health benefit plan is changed or any premium adjustment is made. The measure also requires the Board of Medical

Assistance Services to include in the state plan for medical assistance services a provision for the payment of the costs of a reproductive health care program providing reimbursement for medically necessary reproductive health care services, drugs, devices, products, and procedures for eligible individuals.

*Patron - Locke*

**SB1185 Health insurance; coverage for contraceptives.** Requires health insurance carriers to provide coverage, under any health insurance policy, contract, or plan that includes coverage for prescription drugs on an outpatient basis, for any prescribed contraceptive drug, contraceptive device, or contraceptive procedure. Currently, health insurance carriers are required to offer and make available such coverage. The measure prohibits a health insurance carrier from imposing any copayment, coinsurance payment, or fee upon any person receiving contraceptive benefits pursuant to the provisions of the measure. The measure applies to health insurance contracts, policies, or plans delivered, issued for delivery, or renewed on and after January 1, 2020.

*Patron - Favola*

**SB1228 Health insurance; payment to out-of-network providers; emergency services.** Directs health carriers that provide individual or group health insurance that provide any benefits with respect to services rendered in an emergency department of a hospital to pay directly to an out-of-network health care provider, less applicable cost-sharing requirements, the greatest of (i) the amount negotiated with out-of-network providers for the emergency service or, if more than one amount is negotiated, the median of these amounts; (ii) the amount for the emergency service calculated using the same method the health carrier generally uses to determine payments for out-of-network services, such as the usual, customary, and reasonable amount; or (iii) the amount that would be paid under Medicare for the emergency service. The bill provides that direct payment from the health carrier to the out-of-network health care provider precludes the out-of-network health care provider from billing or seeking payment from the covered person for any other amount other than the applicable cost-sharing requirements.

*Patron - Chase*

**SB1287 Health insurance; nondiscrimination; gender identity or transgender status.** Prohibits a health carrier from denying or limiting coverage or imposing additional cost sharing or other limitations or restrictions on coverage under a health benefit plan for health care services that are ordinarily or exclusively available to covered individuals of one sex to a transgender individual based on the fact that the individual's sex assigned at birth, gender identity, or gender otherwise recorded is different from the one to which such health services are ordinarily or exclusively available. The measure also prohibits a health carrier from (i) subjecting an individual to discrimination under a health benefit plan on the basis of gender identity or being a transgender individual or (ii) requiring that an individual, as a condition of enrollment or continued enrollment under a health benefit plan, pay a premium that is greater than the premium for a similarly situated covered person enrolled in the plan on the basis of the covered person's gender identity or being a transgender individual. The measure requires health carriers to assess medical necessity according to nondiscriminatory criteria that are consistent with current medical standards.

*Patron - Barker*

**SB1344 Health insurance; essential health benefits; preventive services.** Requires a health carrier offering or providing a health benefit plan, including (i) short-term and catastrophic health insurance policies, and policies that pay on

a cost-incurred basis; (ii) association health plans; (iii) plans provided by a multiple-employer welfare arrangement; (iv) plans provided pursuant to a benefits consortium, the members of which are banks and employers that provide products and services to banks; and (v) plans provided pursuant to a not-for-profit benefits consortium consisting of five or more private educational institutions, to provide, as an essential health benefit, coverage that includes preventive care. Essential health benefits include items and services covered in accordance with regulations issued pursuant to the Patient Protection and Affordable Care Act in effect as of January 1, 2019.

*Patron - Favola*

**SB1351 Benefits consortium.** Authorizes an association organized as a nonstock corporation whose members are employers conducting business in the Commonwealth to sponsor a trust. The measure authorizes the trust, called a benefits consortium, to sell benefits plans to its members. To be eligible to sponsor a plan, the association is required to have been actively in existence for 10 years, have at least five members, have been formed for purposes other than obtaining or providing health benefits, and operate as a nonprofit entity. The benefits plans may provide medical prescription drug, dental, and vision coverage for the employees of members and the sponsoring association and their dependents. The benefits may be self-funded or purchased from an insurer. The benefits consortium will be a multiple employer welfare arrangement subject to the provisions of the federal Employee Retirement Income Security Act of 1974. The measure exempts the benefits consortium from state taxation and insurance regulations.

*Patron - Wagner*

**SB1353 Group health benefit plans; bona fide associations.** Replaces references to “bona fide association,” as used in provisions applicable to health care plans in the small employer market, with the term “sponsoring association.” The measure defines “sponsoring association” as a nonstock corporation that, among other conditions, has been actively in existence for 10 years, has at least five members, has been formed for purposes other than obtaining or providing health benefits, and operates as a nonprofit entity.

*Patron - Wagner*

**SB1354 Balance billing; emergency and elective services.** Requires health care facilities and health care providers to determine if providers scheduled to deliver elective services to a covered person are in the network of the covered person's managed care plan. The measure requires that when an elective service provider is determined to be out-of-network, in order for the covered person to assume financial responsibility for the out-of-network provider's charges, the health care facility or provider shall (i) inform the covered person of the out-of-network status of the provider, (ii) provide the covered person with the opportunity to be referred to an in-network provider, and (iii) prepare a document for signature by the covered person in which the covered person or his legal representative assumes financial responsibility for services performed by the out-of-network provider, and the covered person must sign the document described in clause (iii). The bill provides that such requirements will also apply to a health care provider in an office-based setting making a referral for elective radiology or pathology services. The bill identifies post-stabilization services, performed in order to maintain or improve a person's stabilized condition related to an emergency medical condition, as emergency services if (a) the post-stabilization services are pre-approved or related to pre-approved services; (b) for an out-of-network facility, the health carrier does not effectuate transfer of the covered person within a reasonable amount of time after being notified by the facility of the covered person's need for post-stabilization services; (c)

for an out-of-network health care professional, the facility is in-network; or (d) the out-of-network facility is unable to reasonably obtain health carrier information from the covered person prior to the furnishing of such services. The measure directs health carriers that provide individual or group health insurance that provide any benefits with respect to services rendered in an emergency department of a hospital to pay directly to an out-of-network health care provider the fair market value, as defined in the bill, for the emergency services, less applicable cost-sharing requirements. The bill provides that direct payment from the health carrier to the out-of-network health care provider precludes the out-of-network health care provider from billing or seeking payment from the covered person for any other amount other than the applicable cost-sharing requirements. The bill removes from the determination of whether a medical condition is an emergency medical condition the final diagnosis rendered to the covered person.

*Patron - McDougle*

**SB1359 Facilities providing imaging services; shared savings; exemption from certificate of public need.** Provides that a certificate of public need shall not be required for the addition of certain imaging services or for the addition by an existing facility of certain new imaging equipment, provided that the medical care facility complies with quality of care standards and charity care requirements established by the Board of Health. The measure also requires health carriers to establish a comparable imaging service incentive program, subject to approval by the Commissioner of Insurance, under which incentives are offered to a covered person who elects to receive a covered imaging service from a lower-cost provider. The measure requires health carriers to make available an interactive mechanism on their website that enables a covered person to compare costs between providers in-network, calculate estimated out-of-pocket costs, and obtain quality data for those providers, to the extent available.

*Patron - Wagner*

**SB1360 Balance billing; emergency services.** Provides that for emergency services an individual shall not be required to pay out-of-network provider charges in excess of the amount the health carrier is required to pay except applicable deductibles, copayment amounts, coinsurance rates, or amounts deemed by the health carrier to be noncovered services. The measure provides that in the event of a dispute between the health carrier and the out-of-network provider as to the appropriate reimbursement amount, either party may request the State Corporation Commission's Bureau of Insurance to determine the appropriate reimbursement amount.

*Patron - Wagner*

**SB1362 Health benefit plans; balance billing for ancillary services.** Prohibits an out-of-network provider from balance billing a covered person for the costs of an ancillary service when an in-network provider referred the covered person to the out-of-network provider unless (i) the referring in-network provider provided the covered person with a notice of liability for the balance; (ii) the out-of-network provider, prior to providing an ancillary service to the covered person, provided a good faith estimate of the out-of-network provider's charges upon request; (iii) the out-of-network provider provided the covered person with a notice of liability for the balance; and (iv) the covered person acknowledged, by signing the out-of-network provider's notice of liability for the balance, that he is aware that using the out-of-network provider may result in his being balance billed. The prohibition on balance billing applies to amounts in excess of the allowed amount, which is the amount that a carrier is obligated to pay, pursuant to the terms of the covered person's health benefit plan, to a covered person for ancillary services provided by an out-of-

network provider, net any copayment, deductible, or other cost-sharing amount.

*Patron - Wagner*

**SB1402 Health care provider panels; vertically integrated carriers; public hospitals.** Requires any vertically integrated carrier to offer to every public hospital participation in each provider panel or network established for each of the vertically integrated carrier's policies, products, and plans, including all policies, products, and plans offered to individuals, employers, and enrollees in state and federal government benefit programs. The measure requires that the offered participation (i) be without any adverse tiering or other financial incentives that may discourage enrollees from utilizing the services of the public hospital and (ii) include all services offered by the public hospital and any other entity owned, operated, or controlled by a public hospital. The bill defines "vertically integrated carrier" as a health insurer or other carrier that owns an interest in, is owned by, or is under common ownership or control with an acute care hospital facility, excluding an entity that is under the ultimate control of or under common control with a public hospital.

*Patron - Petersen*

**SB1518 Non-opioid pharmacological therapy and non-pharmacological therapy.** Requires the Board of Dentistry and the Board of Medicine to include in regulations for prescribing opioids for the treatment of chronic pain the development of a treatment plan for the patient, which shall include a discussion with the patient regarding the benefits and risks of opioid therapy and the availability of non-opioid pharmacological therapy and non-pharmacological therapy. The bill requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for non-opioid analgesic drugs prescribed to covered individuals or a non-pharmacological therapy recommended by a prescriber as an alternative to a prescription drug to covered individuals for chronic pain. This requirement applies to policies, contracts, and plans delivered, issued for delivery, or renewed on or after January 1, 2020.

*Patron - Carrico*

**SB1624 Health carriers; registered surgical assistants.** Requires health insurers and health service plan providers whose policies or contracts cover services that may be legally performed by a registered surgical assistant to provide equal coverage for such services when rendered by a registered surgical assistant.

*Patron - Barker*

**SB1650 Health insurance; coverage for donated human breast milk.** Requires health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for expenses incurred in the provision of pasteurized donated human breast milk. The requirement applies if the covered person is an infant under the age of six months, the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health, and a licensed medical practitioner has issued an order for an infant who satisfies certain criteria. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on or after January 1, 2020. The measure also requires the state plan for medical assistance services to include a provision for payment of medical assistance services incurred in the provision of pasteurized donated human breast milk.

*Patron - Howell*

**SB1712 Group health benefit plans; bona fide associations.** Replaces references to "bona fide association,"

as used in provisions applicable to health care plans in the small employer market, with the term "sponsoring association." The measure defines "sponsoring association" as a non-stock corporation that, among other conditions, has been actively in existence for 10 years, has at least five members, has been formed for purposes other than obtaining or providing health benefits, and operates as a nonprofit entity.

*Patron - Vogel*

**SB1717 JLARC; association health plans for the individual market; review.** Directs the Joint Legislative Audit and Review Commission (JLARC), as part of its review and evaluation of the agencies and programs under the Secretary of Health and Human Services, to examine and review the implications of the establishment, implementation, and administration of a program, to be known as the Commonwealth Care Health Benefits Program (the Program), under which a division of the State Corporation Commission (the Commission), or nonprofit corporation established by the Commission, will be the sponsor of association health plans through which it will sell individual health insurance coverage in the Commonwealth. The bill provides that JLARC shall request and consider information and input from the Commission's Bureau of Insurance and the Secretary of Health and Human Resources. The measure provides that elements of the Program to be reviewed and examined by JLARC shall include: (i) implementation of the Program would be contingent on the approval of the U.S. Secretary of Health and Human Services of a state innovation waiver under § 1332 of the Affordable Care Act (ACA); (ii) the Commission will retain staff sufficient to establish and implement the Program; (iii) the Program will arrange for a number of third-party administrators, sufficient to ensure competition but in no event fewer than two; (iv) the Program will design and implement health plans that those currently sold through the federal exchange; (v) the covered benefits provided under a plan offered through the Program would provide coverage that a large group plan or association health plan subject to ERISA is required to provide so long as one or more health plans provide additional benefits as may be required to provide coverage that is at least as comprehensive and affordable as plans currently offered on the exchange pursuant to the ACA or otherwise to comply with the Guardrail requirements of the ACA; (vi) the Program will address the establishment of a reinsurance program; (vii) health plan premiums for individuals with a household income between 100 percent and 400 percent of the federal poverty level would be subsidized; (viii) the Program will offer a cost-sharing reduction feature that removes disincentives to Program participation by low-income individuals who are enrolled in the Medicaid program; (ix) individuals will still be able to purchase individual health insurance coverage outside of the Program; (x) premiums for the plans offered through the Program will be set by the third-party administrators, subject to approval by the Commission with assistance of qualified actuaries; (xi) the Program would be designed and operated in order to ensure that any shortfall in revenues is addressed by the reinsurance program and by self-funding a reserve that is determined by the Corporation's actuary to be adequate, and (xii) the Program will include premium incentives for compliance with wellness or chronic disease management benefit programs. The bill requires JLARC to report its findings and conclusions to the Joint Committee for Health and Human Resources Oversight.

*Patron - Dunnivant*

**SB1747 Insurance agents; continuing education requirements.** Revises the timeline for completion of continuing education course information or waiver requirements by insurance agents to a schedule that is biennial, based on the agent's month and year of birth. Current law requires insurance agents to complete and submit proof of such requirements to

the insurance continuing education board (the Board) by no later than December 31, or the next working day thereafter if December 31 falls on a weekend, of each even-numbered year. The measure provides a process by which insurance agents may request a waiver under particular extenuating circumstances and a process by which the Board may approve or disapprove such waiver application. The measure modifies the membership of the Board and the criteria for selection by the State Corporation Commission of the same. The bill has a delayed effective date of January 1, 2021. The measure contains technical amendments. The bill is incorporated into SB 1222.

*Patron - Chafin*

**SB1763 Balance billing; emergency and elective services.** Directs health carriers that provide individual or group health insurance that provide any benefits with respect to services rendered in an emergency department of a hospital to pay directly to an out-of-network health care provider an amount, less applicable cost-sharing requirements, that is equal to the greatest of (i) the amount negotiated with in-network providers for the emergency service or, if more than one amount is negotiated, the median of these amounts; (ii) the regional average for commercial payments for emergency services as of the date of treatment; (iii) the amount that would be paid under Medicare for an emergency service; and (iv) if out-of-network services are provided (a) by a health care professional, the regional average for commercial payments for such service, or (b) by a facility, the fair market value for such services. The bill removes from the determination of whether a medical condition is an emergency medical condition the final diagnosis rendered to the covered person. The bill requires a facility where a covered person receives scheduled elective services to post the required notice or inform the covered person of the required notice at the time of pre-admission or pre-registration. The bill also requires such a facility to inform the covered person or his legal representative of the names of all provider groups providing health care services at the facility, that consultation with the covered person's managed care plan is recommended to determine if the provider groups providing health care services at the facility are in-network providers, and that the covered person may be financially responsible for health care services performed by a provider that is not an in-network provider, in addition to any cost-sharing requirements. The measure includes an enactment providing that it shall not become effective unless an appropriation that addresses the anticipated effects of this act on the general fund is included in a general appropriation act passed in 2019 by the General Assembly that becomes law.

*Patron - Sturtevant*

## Labor and Employment

### Passed

**HB2473 Minimum wage; exemptions.** Eliminates the exemptions to Virginia's minimum wage requirements for newsboys, shoe-shine boys, babysitters who work 10 hours or more per week, ushers, doormen, concession attendants, and cashiers in theaters. The measure contains technical amendments. This bill is identical to SB 1079.

*Patron - Price*

**HB2664 Wage payment statements.** Requires each employer to provide on each regular pay date a written statement, by a paystub or online accounting, that shows the name and address of the employer, the number of hours worked

during the pay period, and the rate of pay. Currently an employer is required to provide, when requested, a written statement of the employee's gross wages and any deductions. The measure does not apply to agricultural employment except that an agricultural employer, upon request of its employee, shall furnish the employee a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom. The measure has a delayed effective date of January 1, 2020. The bill is identical to SB 1696. This bill received Governor's recommendations.

*Patron - Aird*

**SB1079 Minimum wage; exemptions.** Eliminates the exemptions to Virginia's minimum wage requirements for newsboys, shoe-shine boys, babysitters who work 10 hours or more per week, ushers, doormen, concession attendants, and cashiers in theaters. The measure contains technical amendments. This bill is identical to HB 2473.

*Patron - Spruill*

**SB1696 Wage payment statements.** Requires each employer to provide on each regular pay date a written statement, by a paystub or online accounting, that shows the name and address of the employer, the number of hours worked during the pay period, and the rate of pay. Currently an employer is required to provide, when requested, a written statement of the employee's gross wages and any deductions. The measure does not apply to agricultural employment except that an agricultural employer, upon request of its employee, shall furnish the employee a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom. The measure has a delayed effective date of January 1, 2020. The bill is identical to HB 2664. This bill received Governor's recommendations.

*Patron - Wagner*

### Failed

**HB1687 Nonpayment of wages; private action.** 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, the court shall award the employee reasonable attorney fees and other costs. If the court finds that the employer's failure to pay wages was willful and with intent to defraud the employee, the court shall also award the employee three times the amount of wages due.

*Patron - Krizek*

**HB1713 Employment; prohibited retaliatory action.** Prohibits an employer from discharging, disciplining, threatening, discriminating against, penalizing, or taking other retaliatory action against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee (i) reports a violation or suspected violation of any federal or state law or regulation to a supervisor or to any governmental body or law-enforcement official; (ii) is requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry; (iii) refuses to engage in a criminal act that would subject the employee to criminal liability; (iv) refuses an employer's order to perform an action that the employee believes, which belief has an objective basis in fact, violates any federal or state law or regulation and the employee informs the employer that the order is being refused for that reason; or (v) provides information to or testifies before any government-

tal body or law-enforcement official conducting an investigation, hearing, or inquiry into any alleged violation by the employer of federal or state law or regulation. A person who alleges a violation of this chapter may bring a civil action seeking injunctive relief, reinstatement, and compensation for lost wages, benefits, and other remuneration.

*Patron - Delaney*

**HB1757 Minimum wage; tipped employees; classification.** Prohibits an employee who is prohibited by applicable federal or state law or regulation from soliciting tips from being classified as a tipped employee.

*Patron - Carter*

**HB1764 Strikes by government employees.** Repeals the provisions of the Code of Virginia that, among other things, provide that any employee of the Commonwealth, a locality, or other political subdivision who strikes or willfully refuses to perform the duties of his employment is deemed to have terminated his employment and is thereafter ineligible for employment.

*Patron - Carter*

**HB1792 Employment; covenants not to compete; low-wage employees.** Prohibits an employer from entering into a covenant not to compete with any of its low-wage employees. The measure declares that covenants not to compete entered into by an employer and a low-wage employee are contrary to public policy and are void and unenforceable. The measure defines a low-wage employee as one whose average weekly earnings are less than the average weekly wage of the Commonwealth.

*Patron - VanValkenburg*

**HB1798 Relocation of call centers to a foreign country; notification requirements.** Requires the director of each state agency to ensure that new state agency contracts for the performance by a contractor of state business-related call center and customer service work provide that such work shall be performed by the contractor or its agents or subcontractors entirely within the Commonwealth for the contractor's primary call center and customer service workplace.

*Patron - Heretick*

**HB1806 Right to work; union shops and agency shops.** Repeals the provisions of the Code of Virginia that, among other things, prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise. The measure also authorizes a collective bargaining agreement to provide for an agency shop or a union shop.

*Patron - Carter*

**HB1850 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9 per hour effective July 1, 2019, to \$10 per hour effective January 1, 2020, to \$11 per hour effective January 1, 2021, to \$13 per hour effective January 1, 2022, and to \$15 per hour effective January 1, 2023, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). For 2024 and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA.

*Patron - Simon*

**HB1862 Employment; break and location to express breast milk.** Requires employers, including the Commonwealth and its political subdivisions, to provide reasonable unpaid break time each day to an employee who needs to express breast milk for her nursing child for one year after the child's birth. The bill requires an employer to make reasonable efforts to provide a room or other location, other than a bathroom, where the employee can express breast milk in privacy. An employer shall not be held to have violated these requirements if it has made reasonable efforts to comply with them. The measure applies to employees who are exempt under § 7 of the federal Fair Labor Standards Act (FLSA). The FLSA requires employers to provide such benefits for nonexempt employees.

*Patron - McQuinn*

**HB2001 Payment of wages.** Removes the exemptions that exclude newsboys, shoe-shine boys, ushers, doormen, concession attendants, and theater cashiers from coverage under the Virginia Minimum Wage Act (the Act). The measure limits the Act's exemption for babysitters to those not employed more than 10 hours per week. The measure eliminates the Act's exemption for persons employed by an employer that does not have four or more employees. The measure requires a court to award attorney fees incurred by an employee who is awarded judgment in an action for a violation of the Act; currently, awarding such fees is permitted but not required. The measure expands the information an employer is required to provide to its employees when wages are paid. The measure also authorizes the Commissioner of Labor and Industry to institute proceedings and take enforcement action against an employer if he has reason to believe that the employer has engaged in a pattern or practice of violations.

*Patron - Aird*

**HB2157 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10.10 per hour effective January 1, 2020, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). Effective January 1, 2022, the minimum wage shall be adjusted biennially to reflect annual increases in the consumer price index over the two most recent calendar years. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to persons employed by the Commonwealth, its agencies or political subdivisions, or a public body.

*Patron - Plum*

**HB2195 Minimum wage; tipped employees.** Increases the cash wage for tipped employees to \$3.50 per hour in 2020, \$4.75 in 2021, and \$6 in 2022. The measure also eliminates the tip credit effective January 1, 2023.

*Patron - Rodman*

**HB2261 Paid medical and family leave for employees; civil penalties.** Requires employers with 15 or more employees to provide to each employee paid medical and family leave at a rate of 0.46 hours per 40 hours worked, up to 24 hours in any 12-month period. The measure caps the amount of paid family leave that an employee may accrue at any time at 24 hours and provides that any paid medical and family leave awarded to an employee that is not used within one year is forfeited. The measure provides that existing employees will commence receiving such leave on July 1, 2019, and new employees will commence receiving such leave after they have worked for their employer for 90 days. The bill would require an employer to pay the employee for leave taken, up to the amount of the employee's medical and family

leave balance, for a purpose for which the employee would be entitled to unpaid leave under the federal Family and Medical Leave Act. The measure does not require employers to compensate employees for unused medical and family leave upon termination of employment. The measure requires the Commissioner of Labor and Industry to administer and enforce these requirements and to investigate alleged violations of these requirements. The measure authorizes the Commissioner to impose a civil penalty of not more than \$1,000 for a violation.

*Patron - Guzman*

**HB2349 Nonpayment of wages; investigations.** Authorizes the Commissioner of Labor and Industry, if he acquires information during an investigation of a complaint of an employer's failure or refusal to pay wages that creates a reasonable belief that other employees of the same employer may not have been paid wages, to investigate whether the employer has failed or refused to make a required payment of wages to other employees. The measure also provides that if the Commissioner finds in the course of such investigation that the employer has committed a violation, the Commissioner may institute proceedings on behalf of any employee against his employer. In such proceedings, the Commissioner is not required to have obtained a written complaint of the violation or the written and signed consent of any employee.

*Patron - Leftwich*

**HB2363 Nonpayment of wages; discriminatory actions prohibited.** Prohibits an employer from discharging or otherwise discriminating against an employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding related to the failure to pay wages, or has testified or is about to testify in any such proceeding. The measure authorizes the Commissioner of Labor and Industry to institute proceedings against an employer who has taken such prohibited discriminatory action. Available remedies include reinstatement of the employee, recovery of lost wages, and liquidated damages.

*Patron - Leftwich*

**HB2393 Child labor; tobacco farms; civil penalty.** Prohibits any person from employing a child under the age of 18 to work in direct contact with tobacco plants or dried tobacco leaves unless (i) the owner of the farm or other location at which such work is conducted is the child's parent, grandparent, or legal guardian or (ii) the child's parent or legal guardian has consented in writing to such employment.

*Patron - Lopez*

**HB2524 Nonpayment of wages; private action.** Provides that an employee has a private cause of action against an employer who fails to pay wages. The measure provides that if the court finds that the employer knowingly failed to pay the wages, it shall also award the employee reasonable attorney fees and other costs. If the court finds that the employer's failure to pay wages was willful and with intent to defraud the employee, the court shall award the employee reasonable attorney fees and other costs plus an additional sum equal to treble the amount of wages due.

*Patron - Campbell, R.R.*

**HB2603 Apprenticeship program; discrimination.** Prohibits a sponsor of a registered apprenticeship program from discriminating against an apprentice or applicant for apprenticeship on the basis of race, color, religion, national origin, sex, sexual orientation, age, genetic information, or disability. The measure conforms Virginia's apprenticeship nondiscrimination requirements to those required for state

apprenticeship agencies pursuant to federal Office of Apprenticeship regulations adopted in 2016.

*Patron - Ward*

**HB2631 Local alternative minimum wage.** Establishes a procedure by which a local alternative minimum wage may be imposed in any locality. If imposed by ordinance of the local governing body, the alternative minimum wage requirement shall become effective on the July 1 that follows delivery of a certified copy of the ordinance to the Commissioner of Labor and Industry. A local alternative minimum wage requires every employer to pay to each of its employees, for work performed by them within the locality, wages at a rate to be determined by local ordinance. If the federal minimum wage exceeds the levels specified in a local alternative minimum wage requirement, the federal minimum wage will prevail.

*Patron - Levine*

**SB1017 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to (i) \$8.00 per hour effective July 1, 2019; (ii) \$9.00 per hour effective July 1, 2020; (iii) \$10.10 per hour effective July 1, 2021; and (iv) \$11.25 per hour effective July 1, 2022, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the cash wage paid to a tipped employee shall not be less than 50 percent of the minimum wage and that the tip credit shall equal the difference between the cash wage required to be paid to a tipped employee and the minimum wage.

*Patron - Marsden*

**SB1059 Wage or salary history inquiries prohibited; civil penalty.** Prohibits a prospective employer from (i) requiring as a condition of employment that a prospective employee provide or disclose the prospective employee's wage or salary history or (ii) attempting to obtain the wage or salary history of a prospective employee from the prospective employee's current or former employers. Violations are subject to a civil penalty not to exceed \$100 per violation.

*Patron - Favola*

**SB1103 Payment of wages.** Removes the exemption from the Virginia Minimum Wage Act of any person who normally works and is paid on the basis of the amount of work done.

*Patron - Howell*

**SB1169 Apprentice agreements; ratio of apprentices to journeymen.** Prohibits the Apprenticeship Council from adopting standards for apprenticeship agreements governing the numeric ratio of journeymen to apprentices that require more than one journeyman per two apprentices. Under the bill, this limit on the ratio of journeymen to registered apprentices does not apply to work performed under the federal Davis-Bacon Act.

*Patron - DeSteph*

**SB1200 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10 per hour effective July 1, 2019, to \$13 per hour effective July 1, 2020, and to \$15 per hour effective July 1, 2021, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to persons employed by the Commonwealth, its agencies or political subdivisions, or a public body.

*Patron - Dance*

**SB1387** **Covenants not to compete; low-wage employees; civil penalty.** Prohibits an employer from entering into, enforcing, or threatening to enforce a covenant not to compete between the employer and a low-wage employee. The employer is subject to a civil penalty of \$10,000 per violation. The bill defines “low-wage employee” as either (i) an employee, intern, student, apprentice, or trainee whose average weekly earnings are less than the average weekly wage of the Commonwealth or who is employed without pay or (ii) an independent contractor who is compensated for his services at an hourly rate that is less than the median hourly wage for the Commonwealth for all occupations as reported by the Bureau of Labor Statistics of the U.S. Department of Labor. The measure defines “covenant not to compete” as an agreement that restrains, prohibits, or otherwise restricts an individual's ability to compete with his former employer. The bill allows any low-wage employee subject to such a covenant not to compete to bring a civil action against an employer and seek appropriate relief, including enjoining the conduct of any person or employer, ordering payment of liquidated damages, and awarding lost compensation, damages, and reasonable attorney fees and costs. The bill requires all employers to post in the workplace a notice of the bill's prohibition or a summary of the notice approved by the Department of Labor and Industry and provides that an employer is subject to a warning for a first offense and to a civil penalty for a subsequent offense for failure to post such notice or approved summary.

*Patron - Wagner*

**SB1423** **Confidentiality, nondisparagement, or nondisclosure provisions; communication with law-enforcement agencies.** Prohibits the use of provisions in contracts, written agreements, or settlement agreements resolving litigation pertaining to the employment of an employee in the Commonwealth, whether labeled as confidentiality, nondisparagement, or nondisclosure provisions, that restrict or deter consumers or employees from communicating or cooperating with a federal, state, or local law-enforcement agency. The bill declares such provisions void and unenforceable as contrary to public policy. A violation with regard to a consumer contract or written agreement is a prohibited practice under the Virginia Consumer Protection Act. A violation by an employer with regard to an employment contract or employment settlement agreement is punishable by the Commissioner of Labor and Industry by a civil penalty up to \$12,471, as adjusted by the percentage increase, if any, in the United States Average Consumer Price Index for all Urban Consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor, from its monthly average for the previous calendar year.

*Patron - Howell*

**SB1636** **Virginia Equal Pay Act; civil penalties.** Prohibits private employers from discriminating on the basis of membership in a protected class between employees in the payment of wages or other compensation for substantially similar work. The measure defines “protected class” as a group of persons distinguished by race, color, religion, sex, sexual orientation, gender identification or expression, political affiliation, national origin, marital status, veteran status, disability, or age. The measure also prohibits (i) discrimination between employees by providing less favorable employment opportunities; (ii) limiting an employee's right to discuss wages; (iii) infringement on an employee's right to not disclose wage or salary history; and (iv) retaliating against an employee. The bill also establishes criteria for when wage differentials between employees are permitted. Violations are subject to civil penalties.

*Patron - Boysko*

**SB1673** **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.

*Patron - Favola*

## Mechanics' and Certain Other Liens

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### Passed

**HB2409** **Mechanics' liens; forms.** Makes consistent the mechanic's lien statute and the statutory mechanic's lien forms.

*Patron - Adams, L.R.*

**SB1336** **Mechanics' liens; notice of sale.** Specifies that the notice of sale for property to be sold pursuant to a mechanics' lien shall be posted in any of the following places: (i) a public place in the county or city where the property is located; (ii) a website operated by the Commonwealth, the county or city where the property is located, or a political subdivision of either; or (iii) a newspaper of general circulation in the county or city where the property is located, either in print or on its website. Under current law, such notice of sale is required to be advertised in a public place, defined as a premises owned by the Commonwealth or a political subdivision thereof, or an agency of either, that is open to the general public.

*Patron - Edwards*

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### Failed

**SB1119** **Mechanics' liens; right to withhold payment.** Specifies that the use of funds paid to a contractor or subcontractor by such contractor or subcontractor before paying all amounts due for labor performed or material furnished gives rise to a civil cause of action for a party who is owed such funds. The bill further specifies that such cause of action does not affect a contractor's or subcontractor's right to withhold payment for failure to properly perform labor or furnish materials and that any contractual provision that allows a party to withhold funds due on one contract for alleged claims or damages due on another contract is void as against public policy.

*Patron - Petersen*

## Military and Emergency Laws

### Failed

**HB1968** Virginia National Guard; state active duty pay. Requires that all members of the Virginia National Guard who are called into state active duty be paid an amount not less than that prescribed for a member with the rank of E-6 who has over 18 years of service.

*Patron - Reid*

**HB1999** Department of Emergency Management; responsibilities of political subdivisions; provision of emergency preparedness information to individuals with limited English proficiency, disabilities, or other special needs. Directs the Department of Emergency Management (the Department) to ensure that training programs and programs of public information and education regarding emergency services and disaster preparedness activities established and operated by state agencies be designed to include and reach individuals with limited English proficiency, disabilities, or other special needs. The bill also directs the Department to develop an emergency response plan to (i) address the needs of individuals with limited English proficiency, disabilities, or other special needs in the event of a disaster, including the provisions of competent interpretation services and translated documents, and (ii) assist and coordinate with local agencies in developing a similar emergency response plan for individuals with limited English proficiency, disabilities, or other special needs. The bill requires that every local and interjurisdictional emergency management agency include in its emergency operations plan provisions to ensure that adequate and timely emergency relief assistance, including competent interpretation services and translated documents, is provided to individuals with limited English proficiency, disabilities, or other special needs. The bill requires that the governing body of each locality that is required to establish an alert and warning plan for the dissemination of adequate and timely warning to the public in the event of an emergency or threatened disaster ensure that such alert and warning plan provides adequate and timely warning to individuals with limited English proficiency, disabilities, or other special needs.

*Patron - Price*

**HB2312** Emergency Services and Disaster Law; definition of disaster; incidents involving cyber systems. Adds incidents involving cyber systems to the definition of disaster, as used in the Emergency Services and Disaster Law.

*Patron - Hayes*

**HB2626** Virginia National Guard; state active duty pay. Requires that all members of the Virginia National Guard who are called into state active duty be paid an amount not less than that prescribed for a member with the rank of E-6 who has over 18 years of service.

*Patron - Ayala*

**HB2788** Virginia National Guard; state active duty pay. Requires all members of the Virginia National Guard who are called into state active duty to be paid an amount not less than that prescribed for a member with the rank of E-6 who has more than 18 years of service. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Thomas*

**SB1246** Virginia National Guard; state active duty pay. Requires all members of the Virginia National Guard

who are called into state active duty to be paid an amount not less than that prescribed for a member with the rank of E-6 who has more than 18 years of service. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Reeves*

## Mines and Mining

### Passed

**HB1932** Permit fees; mineral mining. Provides a schedule for increases to fees a mining operator must pay when applying for a mining operation permit renewal, raising the current fee of \$16 per disturbed acre by \$2 each year from July 1, 2019, through July 1, 2022.

*Patron - Ware*

**HB2741** Clean Energy Advisory Board; low-to-moderate income solar loan and rebate pilot program and fund. Establishes the Clean Energy Advisory Board (the Board) as an advisory board in the executive branch of government for the purpose of establishing a pilot program for disbursing loans or rebates for the installation of solar energy infrastructure in low-income and moderate-income households. The bill provides that the Board shall have a total membership of 15 members, consisting of 14 nonlegislative citizen members and the Director of the Department of Mines, Minerals and Energy, who shall serve ex officio. The bill establishes the Low-to-Moderate Income Solar Loan and Rebate Fund to be used to fund loans or rebate payments to electric customers who complete solar installations or energy efficiency improvements. The bill provides that the pilot program is open to any Virginia resident whose household income is at or below 80 percent of the state median income or regional median income, whichever is greater. The bill establishes application requirements and procedures for the review and approval or denial of applications. The bill requires that each applicant document the installation of energy efficiency services to demonstrate that such services lower home energy consumption by at least 12 percent prior to the submission of an application. The bill has an expiration date of July 1, 2022.

*Patron - Aird*

**SB1271** Oil and gas wells; bonding requirements; application notice. Authorizes a person who applies for a hearing in front of the Virginia Gas and Oil Board to provide required notice of such application to certain gas or oil owners, coal owners, mineral owners, or gas storage field operators by commercial delivery service. Current law provides for delivery only by certified mail. The bill changes the blanket bond amounts that the Director of the Department of Mines, Minerals and Energy may require for an application for permits for gas or oil operations and authorizes additional bonds for any well proposed to be drilled in the Tidewater region.

*Patron - Stuart*

### Failed

**HB1635** Fossil fuel projects moratorium; clean energy mandates. Establishes a moratorium, effective January 1, 2020, 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) gather-

ing 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, all 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.

*Patron - Rasoul*

**HB2187** **Gas or oil drilling units; escrowed proceeds; Coalfield Region Elderly Assistance Fund; Coalfield Region Tourism Fund.** Provides that proceeds of certain gas or oil wells, escrowed because the owner's identity and location remain unknown, shall be presumed abandoned and paid into the Coalbed Region Elderly Assistance Fund (the Elderly Fund), established by the bill. The bill directs the Virginia Gas and Oil Board to make grants to nonprofit organizations for the support of elderly residents of the region. Current law requires such escrowed proceeds to be disposed of pursuant to the Uniform Disposition of Unclaimed Property Act.

The bill also provides that certain escrowed proceeds, due to known and locatable claimants of coalbed methane gas wells that were force-pooled prior to July 1, 2015, shall be deemed abandoned and made available to the Coalfield Region Tourism Fund (the Tourism Fund), also established by the bill, when one year has passed since the last provision of notice to such claimant and certain other conditions are met. The bill provides that all moneys in the Tourism Fund in excess of a minimum balance of \$500,000 shall be disbursed equally to the Southwest Regional Recreation Authority and the Heart of Appalachia Tourism Authority.

*Patron - Kilgore*

**SB1268** **Gas or oil drilling units; escrowed proceeds; Coalfield Region Elderly Assistance Fund; Coalfield Region Tourism Fund.** Provides that proceeds of certain gas or oil wells, escrowed because the owner's identity and location remain unknown, shall be presumed abandoned and paid into the Coalbed Region Elderly Assistance Fund (the Elderly Fund), established by the bill. The bill directs the Virginia Gas and Oil Board to make grants to nonprofit organizations for the support of elderly residents of the region. Current law requires such escrowed proceeds to be disposed of pursuant to the Uniform Disposition of Unclaimed Property Act.

The bill also provides that certain escrowed proceeds, due to known and locatable claimants of coalbed methane gas wells that were force-pooled prior to July 1, 2015, shall be deemed abandoned and made available to the Coalfield Region Tourism Fund (the Tourism Fund), also established by the bill, when one year has passed since the last provision of notice to such claimant and certain other conditions are met. The bill

provides that all moneys in the Tourism Fund in excess of a minimum balance of \$500,000 shall be disbursed equally to the Southwest Regional Recreation Authority and the Heart of Appalachia Tourism Authority.

*Patron - Chafin*

## Motor Vehicles

### Passed

**HB1637** **Special license plates; PROTECT SEA LIFE.** Authorizes the issuance of revenue-sharing special license plates for supporters of the Virginia Aquarium bearing the legend PROTECT SEA LIFE.

*Patron - Knight*

**HB1648** **Pedestrian crossings; Town of Ashland.** Adds the Town of Ashland to the list of localities that may provide by ordinance for the installation and maintenance of highway signs at marked crosswalks requiring drivers to yield to pedestrians. A violation of such ordinance is a traffic infraction punishable by a fine of no less than \$100 or more than \$500.

*Patron - Fowler*

**HB1662** **Child restraint devices and safety belts; emergency and law-enforcement vehicles.** Exempts the operators of emergency medical services agency vehicles, fire company vehicles, fire department vehicles, and law-enforcement agency vehicles during the performance of their official duties from (i) the requirement that certain minors be secured with a safety belt and (ii) the requirement that minors under the age of eight be secured in a child restraint device, provided that exigent circumstances exist and no child restraint device is readily available. This bill is identical to SB 1677.

*Patron - Head*

**HB1664** **Out-of-state conviction of drug offenses; restricted driver's license.** Provides that a person convicted of a drug offense in another state may petition the general district court of the county or city in which he resides for a restricted driver's license allowing the petitioner to operate a motor vehicle in the Commonwealth on a restricted basis, provided that no such restricted license shall permit the petitioner to operate a commercial vehicle. This bill is identical to SB 1181.

*Patron - Jones, J.C.*

**HB1677** **Driving distance for testing certain motor vehicles.** Expands from five miles to 10 miles the distance (i) from the place of business that an individual is permitted to drive a vehicle equipped with a license plate designed for persons engaged in the business of delivering unladen motor vehicles to test the installation, service, or repair of equipment on or in such vehicle and (ii) from an auto auction that a prospective purchaser of a motor vehicle, trailer, or semitrailer may operate such vehicle without a safety inspection prior to purchase.

*Patron - Delaney*

**HB1678** **Golf carts and utility vehicles; Town of Dendron.** Adds the Town of Dendron to the list of towns that may authorize the operation of golf carts and utility vehicles on designated public highways despite not having established their own police departments.

*Patron - Tyler*

**HB1709 Special license plates; VIRGINIA STATE PARKS.** Authorizes the issuance of revenue-sharing special license plates for supporters of Virginia State Parks bearing the legend VIRGINIA STATE PARKS.

*Patron - Bulova*

**HB1711 Reorganization of motor vehicle registration, licensing, and certificates of title statutes; segregation of criminal offenses and traffic offenses.** Moves the criminal offenses related to registration, licensing, and certificates of title included within § 46.2-613 to § 46.2-612. The bill reorganizes these statutes so that § 46.2-612 contains only criminal offenses and § 46.2-613 contains only traffic infractions. Removes the authority of the court to dismiss a summons for a criminal offense related to the registration, licensing, and certificates of title when proof of compliance with the law is provided to the court on or before the court date. The bill otherwise retains the elements of and penalties for the offenses and infractions. This bill is a recommendation of the Committee on District Courts and is identical to SB 1382.

*Patron - Herring*

**HB1768 Certificate of title; vehicle used as a taxicab.** Removes the requirement that the owner of a vehicle that has been used as a taxicab attach a statement to that effect to the certificate of title of the vehicle prior to the sale, transfer, or disposal of such vehicle. The bill also removes the requirement that the Department of Motor Vehicles place an indicator on any new certificate of title for the vehicle indicating such prior use.

*Patron - Yancey*

**HB1777 Local regulation of parking of certain vehicles.** Adds Cape Charles to the towns 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. This bill is identical to SB 1560.

*Patron - Bloxom*

**HB1786 Vehicles on sidewalks.** Clarifies that any public entity may allow “other power-driven mobility devices,” as defined in the bill, to be ridden or driven on sidewalks in accordance with the Americans with Disabilities Act and other state and federal laws.

*Patron - Hurst*

**HB1802 Amber warning lights; vehicles hauling forest products.** Authorizes vehicles hauling forest products to use amber warning lights approved by the Superintendent of State Police, provided that the lights are mounted or installed so as to be visible from behind the vehicle. This bill is identical to SB 1254.

*Patron - Tyler*

**HB1818 Parking ordinances; enforcement.** Authorizes any county or town with a population of at least 40,000 to provide by ordinance that law-enforcement officers, other uniformed employees of the locality, and uniformed personnel under contract with the locality may issue a summons or parking ticket for a violation of the locality's ordinances or regulations regarding the parking, stopping, or standing of vehicles. Current law creates such authority for any city with a population of at least 40,000. This bill is identical to SB 1044.

*Patron - Delaney*

**HB1832 Special license plate; Navy and Marine Corps Medal.** Creates a special license plate for persons

awarded the Navy and Marine Corps Medal or for unremarried surviving spouses of such persons.

*Patron - Leftwich*

**HB1865 Localities; towing fees.** Provides that localities in Planning District 8 and Planning District 16 shall establish by ordinance a hookup and initial towing fee of no less than \$135 and no more than \$150. Current law authorizes such localities to set the hookup and initial towing fee at \$135. This bill is identical to SB 1567.

*Patron - Fowler*

**HB1867 Motor vehicle insurance; compliance verification.** Requires motor vehicle insurance companies to report all required insurance information to the Department of Motor Vehicles (DMV) within 30 days of a policy change and to respond to all DMV requests for acknowledgment by confirming or denying the existence of an insurance policy within 15 days of receiving the request. The measure requires such insurers to report all necessary insurance information to the DMV electronically. The measure updates the types of policy updates and necessary data fields required to operate DMV's insurance verification process. The measure requires DMV to initiate the insurance verification process following receipt of a report that it processed an uninsured motorist claim involving an uninsured motor vehicle registered in Virginia. The measure provides that if a customer opts to surrender his license plates to DMV online or by telephone, he is not entitled to a partial refund of the cost of registration fees. The measure authorizes the DMV to dispense with a customer's suspension if a customer provides evidence that he was in compliance with Virginia's insurance laws. The measure renames the fee charged after a violation of Virginia's insurance laws from the uninsured motor vehicle fee to the noncompliance fee, increases the fee from \$500 to \$600, and directs the additional revenue to the DMV's special fund to be used for enhancements to DMV's insurance verification program. The measure also amends Virginia's installment payment program to (i) allow out-of-state individuals to apply for an installment payment plan; (ii) allow a customer to enter into a second installment payment plan after defaulting on the first plan; and (iii) authorize the Commissioner to extend an installment payment due date by up to 30 days when events outside of DMV's control adversely affect its ability to accept payment. An enactment clause requires DMV to report in 2024 to the General Assembly on the effectiveness of this measure in improving the insurance verification program. An enactment clause postpones the effective date of the provisions that require electronic filing of insurance information and update the types of data required to be provided by insurers. This bill is identical to SB 1787.

*Patron - Kilgore*

**HB1911 Duties of drivers of vehicles approaching stationary vehicles displaying certain warning lights; penalty.** Makes a driver's failure to move into a nonadjacent lane on a highway with at least four lanes when approaching a stationary vehicle displaying flashing, blinking, or alternating blue, red, or amber lights, or, if changing lanes would be unreasonable or unsafe, to proceed with due caution and maintain a safe speed, reckless driving, which is punishable as a Class 1 misdemeanor. Under current law, a first such offense is a traffic infraction punishable by a fine of not more than \$250, and a second such offense is punishable as a Class 1 misdemeanor. This bill received Governor's recommendations.

*Patron - Peace*

**HB1927 Special identification card; applicants who are blind or vision impaired.** Requires the Department of Motor Vehicles to, upon request of the applicant, indicate on

an applicant's special identification card that he is blind or vision impaired.

*Patron - Keam*

**HB2011 Special license plates; MOVE OVER.** Authorizes the issuance of revenue-sharing special license plates for supporters of Virginia's Move Over law bearing the legend MOVE OVER. The plates are being issued in memory of Lt. Bradford T. Clark.

*Patron - Peace*

**HB2039 Supplemental motor vehicle sales locations; car shows.** Authorizes the Motor Vehicle Dealer Board to issue a temporary supplemental license to a participant in a new motor vehicle show sponsored by certain statewide or local trade associations for the sale of used, late model motor vehicles at such show without geographic restrictions or notice to other licensed dealers.

*Patron - McGuire*

**HB2059 Nonpayment of child support; amount of arrearage paid; time period to pay arrearage; repayment schedule; suspension of driver's license.** Provides that an individual who is delinquent in child support payments or has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings is entitled to a judicial hearing if he makes a written request within 30 days from service of a notice of intent to suspend or renew his driver's license. Current law provides such an entitlement if such request is made within 10 days from such notice. The bill further allows the Department of Motor Vehicles to renew a driver's license or terminate a license suspension imposed on an individual if such individual has reached an agreement with the Department of Social Services to satisfy the child support payment delinquency within a 10-year period and has made at least one payment of at least five percent of the total delinquency or \$600, whichever is less, as opposed to whichever is greater under current law, under such agreement. The bill further provides that, where such a repayment agreement has been entered into and such an individual has failed to comply with such agreement, the Department of Motor Vehicles shall suspend or refuse to renew such individual's driver's license until it has received certification from the Department of Social Services that such individual has entered into a subsequent agreement to pay within a period of seven years and has paid the lesser amount, as opposed to greater amount under current law, of at least one payment of \$1,200 or seven percent, as opposed to five percent under current law, of the current delinquency. The bill provides that an individual who fails to comply with such a subsequent agreement may enter into a new agreement if such individual has made a payment in the lesser amount, as opposed to the greater amount under current law, of \$1,800 or 10 percent, as opposed to five percent under current law, and agrees to a repayment schedule of not more than seven years, which is consistent with the timeframe provided by the current law. This bill is identical to SB 1667.

*Patron - Carr*

**HB2114 Special license plates; members of the International Association of Fire Fighters.** Changes the special license plates for members of the International Association of Fire Fighters from nonrevenue sharing to revenue sharing and provides for the moneys to support the efforts of various charitable organizations supported by the firefighters throughout the Commonwealth. This bill is identical to SB 1474.

*Patron - Plum*

**HB2143 Air bags; manufacture, importation, sale, etc., of counterfeit or nonfunctional air bag prohibited; penalty.** Provides that a person is guilty of a Class 1 mis-

demeanor if he knowingly manufactures, imports, sells, installs, or reinstalls a counterfeit air bag or nonfunctional air bag, or any device that is intended to conceal a counterfeit air bag or nonfunctional air bag, in a motor vehicle. The bill provides an exemption for the sale, installation, reinstallation, or replacement of a motor vehicle air bag on a vehicle solely used for police work. The bill also provides that any sale, installation, reinstallation, or replacement of a motor vehicle air bag with a counterfeit, nonfunctional, or otherwise unlawful air bag shall not be construed as a superseding cause that limits the liability of any party in any civil action.

*Patron - Bell, Robert B.*

**HB2174 Motor vehicle dealers and manufacturers.** Provides that if a motor vehicle manufacturer or factory branch discontinues, sells, or transfers its right to manufacture a line-make of motor vehicles, and the acquiring manufacturer or factory branch does not honor an existing franchise agreement with motor vehicle dealers in Virginia, such discontinuation, sale, or transfer shall constitute a termination of the franchise and such motor vehicle dealers shall be entitled to compensation pursuant to Virginia law. The bill provides that a manufacturer or distributor's right to first refusal in the event of a proposed sale or transfer of a dealership does not apply if such sale or transfer is not to a dealer licensed anywhere in the United States as a dealer holding a franchise from any manufacturer or to a distributor licensed as a manufacturer or distributor in the Commonwealth unless the exercise of such right of first refusal by a manufacturer or distributor with a program promoting minority dealers would lead to a minority dealer having a majority ownership of a dealership. The bill exempts certain manufacturers and distributors from the limitations on the right of first refusal.

*Patron - Miyares*

**HB2183 Commercial vehicle training and testing.** Allows certain Class A driver training schools to be third party testers for the skills test component of the commercial driver's license examination. This bill has a delayed effective date of October 1, 2019, and is identical to SB 1347.

*Patron - Austin*

**HB2220 Special license plate; Armed Forces Expeditionary Medal.** Creates a special license plate for persons awarded the Armed Forces Expeditionary Medal or for unremarried surviving spouses of such persons.

*Patron - O'Quinn*

**HB2300 Operation of certain motor vehicles; sex offenders.** Prohibits any person who is required to register on the Sex Offender and Crimes Against Minors Registry or the federal National Sex Offender Public Website from operating a taxicab for the transportation of passengers for hire.

*Patron - Collins*

**HB2344 Department of Motor Vehicles records; certain private vendors; penalty.** Requires the Department of Motor Vehicles to release certain vehicle owner data, upon request, to a private vendor operating a video-monitoring system on or in a school bus. The bill limits how such data can be used and stored and provides that any person who unlawfully discloses such data is subject to a civil penalty of \$1,000 for each disclosure. The bill provides that drivers required to stop for a stopped school bus shall remain stopped until the school bus is put in motion. This bill is identical to SB 1520.

*Patron - Bell, Robert B.*

**HB2441 Special identification card without a photograph; fee; confidentiality; penalties.** Requires the Department of Motor Vehicles to issue a special identification card

without a photograph to a person with a sincerely held religious belief prohibiting the taking of a photograph who would otherwise meet the qualifications for a special identification card but also presents an approved and signed IRS Form 4029. The bill allows a special identification card without a photograph to be similar in size, shape, and design to a driver's license but requires (i) that it be clearly distinguishable from a driver's license, (ii) that it not include a photograph of its holder, and (iii) that it clearly state that (a) the card does not authorize the holder to operate a motor vehicle, (b) federal limits apply, and (c) the card is not valid identification to vote. The bill provides that giving false information, concealing a material fact, or otherwise committing a fraud in applying for a special identification card without a photograph is guilty of a Class 2 misdemeanor and that obtaining a special identification card without a photograph for the purpose of committing any offense punishable as a felony constitutes a Class 4 felony. The bill contains technical amendments. This bill is the result of a study conducted by the Department of Motor Vehicles. This bill received Governor's recommendations.

*Patron - Wilt*

**HB2487 Motor vehicle dealers; definitions.** Provides that offering to sell, selling, displaying, or permitting the display for sale of five or more vehicles within any 12 consecutive months creates a rebuttable presumption that a person is a motor vehicle dealer. Current law defines such person as a motor vehicle dealer. The bill provides for new trailers to be treated similarly to new motor vehicles in various provisions. The bill adds manufacturers or distributors selling new motor vehicles at wholesale to their franchised dealer or used motor vehicles to a licensed dealer, as well as persons dealing fire-fighting vehicles and ambulances, to a list of parties exempted from the definition of motor vehicle dealer.

*Patron - Garrett*

**HB2514 Motor vehicle safety inspections; charges.** Increases the maximum charge for a state safety inspection for a motor vehicle from \$16 to \$20 and increases the amount transmitted to the Department of State Police from \$0.50 to \$0.70.

*Patron - Hugo*

**HB2551 Commercial driver's licenses; military service members.** Requires the Commissioner of the Department of Motor Vehicles to waive certain knowledge and skills tests required for obtaining a commercial learner's permit or commercial driver's license or a commercial driver's license endorsement for certain current or former military service members, as authorized by federal law.

*Patron - Thomas*

**HB2717 Virginia Driver's Manual course; computer-based mediums.** Provides that the course on the Virginia Driver's Manual required for certain persons who have failed the driver knowledge examination three times may be conducted in a classroom or through a secure computer-based medium, provided that the computer-based medium has acceptable security features designed to ensure that the certificate of completion is issued to the same person who took the course.

*Patron - Carr*

**HB2752 Motorized skateboards or scooters; operation; local authority.** Authorizes localities to regulate the operation of companies providing motorized skateboards or scooters for hire. The bill changes the definition of motorized skateboard or scooter by (i) removing the requirement that such device have no seat and requiring that the device be designed to allow a person to stand or sit, (ii) removing the

maximum power limits for such device and providing that the device may be powered in whole or in part by an electric motor, (iii) providing that the device has a speed of no more than 20 miles per hour, and (iv) providing that such device weighs less than 100 pounds. The bill makes consistent the operational requirements for motorized skateboards or scooters and similar devices, including (a) allowing motorized skateboards and scooters to be driven on sidewalks, (b) requiring motorized skateboards and scooters driven on a roadway to be driven as close to the right curb as is safely practicable, (c) prohibiting the operation of motorized skateboards or scooters on any Interstate Highway System component, and (d) requiring operators of motorized skateboards and scooters to give hand signals and have lights on such devices. The bill prohibits operating a motorized skateboard or scooter at a speed faster than 20 miles per hour. Certain provisions of this bill have a delayed effective date of January 1, 2020.

*Patron - Pillion*

**HB2805 Parking; access aisles adjacent to parking spaces reserved for persons with disabilities.** Prohibits parking any vehicle in any striped access aisle adjacent to a parking space reserved for persons with disabilities.

*Patron - LaRock*

**SB1020 Special license plates; Virginia Association for Community Conflict Resolution; name change.** Updates the name of the organization whose members and supporters may apply for a special license plate from Virginia Association for Community Conflict Resolution to Resolution Virginia.

*Patron - Marsden*

**SB1044 Parking ordinances; enforcement.** Authorizes any county or town with a population of at least 40,000 to provide by ordinance that law-enforcement officers, other uniformed employees of the locality, and uniformed personnel under contract with the locality may issue a summons or parking ticket for a violation of the locality's ordinances or regulations regarding the parking, stopping, or standing of vehicles. Current law creates such authority for any city with a population of at least 40,000. This bill is identical to HB 1818.

*Patron - Black*

**SB1174 Tinting films; exemption for security canine handlers.** Exempts vehicles operated in the performance of private security duties by a licensed security canine handler from limitations on window tinting. The bill contains technical amendments.

*Patron - McPike*

**SB1181 Out-of-state conviction of drug offenses; restricted driver's license.** Provides that a person convicted of a drug offense in another state may petition the general district court of the county or city in which he resides for a restricted driver's license allowing the petitioner to operate a motor vehicle in the Commonwealth on a restricted basis, provided that no such restricted license shall permit the petitioner to operate a commercial vehicle. This bill is identical to HB 1664.

*Patron - Stuart*

**SB1254 Amber warning lights; vehicles hauling forest products.** Authorizes vehicles hauling forest products to use amber warning lights approved by the Superintendent of State Police, provided that the lights are mounted or installed so as to be visible from behind the vehicle. This bill is identical to HB 1802.

*Patron - Ruff*

**SB1296 Potomac River Bridge Towing Compact.** Adds the Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, and Point of Rocks Bridge to the Potomac River bridges subject to the Potomac River Bridge Towing Compact to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving the District of Columbia, Maryland, and Virginia appropriate authority anywhere on the bridges. This amendment to the Compact shall not become effective until a substantially similar amendment is enacted by the State of Maryland and the District of Columbia, as provided for in the Compact.

*Patron - Barker*

**SB1333 Motor vehicle dealers and manufacturers; franchises; transfer or discontinuation of manufacturing rights.** Provides that if a motor vehicle manufacturer or factory branch discontinues, sells, or transfers its right to manufacture a line-make of motor vehicles, and the acquiring manufacturer or factory branch does not honor an existing franchise agreement with motor vehicle dealers in Virginia, such discontinuation, sale, or transfer shall constitute a termination of the franchise and such motor vehicle dealers shall be entitled to compensation pursuant to Virginia law.

*Patron - Cosgrove*

**SB1342 Storage and mechanics' liens; amount of lien.** Provides that the amount of a mechanics' lien for the reasonable expenses of a keeper of a garage or a mechanic on a vehicle that is not subject to a chattel mortgage, security agreement, deed of trust, or other instrument shall be in an amount up to the value of the vehicle.

*Patron - DeSteph*

**SB1343 Commercial driver's licenses; specialized training required.** Requires the Commissioner of the Department of Motor Vehicles to include training on the recognition, prevention, and reporting of human trafficking in driver training for Class A, Class B, and Class C commercial motor vehicles.

*Patron - DeSteph*

**SB1347 Commercial vehicle training and testing.** Allows certain Class A driver training schools to be third party testers for the skills test component of the commercial driver's license examination. This bill has a delayed effective date of October 1, 2019, and is identical to HB 2183.

*Patron - Newman*

**SB1382 Reorganization of motor vehicle registration, licensing, and certificates of title statutes; segregation of criminal offenses and traffic offenses.** Moves the criminal offenses related to registration, licensing, and certificates of title included within § 46.2-613 to § 46.2-612. The bill reorganizes these statutes so that § 46.2-612 contains only criminal offenses and § 46.2-613 contains only traffic infractions. Removes the authority of the court to dismiss a summons for a criminal offense related to the registration, licensing, and certificates of title when proof of compliance with the law is provided to the court on or before the court date. The bill otherwise retains the elements of and penalties for the offenses and infractions. This bill is a recommendation of the Committee on District Courts and is identical to HB 1711.

*Patron - McDougle*

**SB1432 Immobilization of vehicles.** Allows the owner or operator of a parking lot or other building to immobilize a trespassing vehicle by use of any device in a manner that prevents its removal or lawful operation, provided that the device used does not damage the vehicle. Current law limits

immobilization devices to those, such as a boot, that prevent a vehicle from being moved by preventing a wheel from turning. The bill clarifies that the currently authorized use of a device by a locality to immobilize a vehicle against which there are outstanding parking violations in a manner that prevents its operation means in a manner that prevents its lawful operation.

*Patron - Obenshain*

**SB1464 Manufacturer or distributor right of first refusal.** Provides that a manufacturer or distributor's right to first refusal in the event of a proposed sale or transfer of a dealership does not apply if such sale or transfer is not to a dealer licensed anywhere in the United States as a dealer holding a franchise from any manufacturer or to a distributor licensed as a manufacturer or distributor in the Commonwealth unless the exercise of such right of first refusal by a manufacturer or distributor with a program promoting minority dealers would lead to a minority dealer having a majority ownership of a dealership. The bill exempts certain manufacturers and distributors from the limitations on the right of first refusal.

*Patron - McPike*

**SB1474 Special license plates; members of the International Association of Fire Fighters.** Changes the special license plates for members of the International Association of Fire Fighters from nonrevenue sharing to revenue sharing and provides for the moneys to support the efforts of various charitable organizations supported by the firefighters throughout the Commonwealth. This bill is identical to HB 2114.

*Patron - Deeds*

**SB1481 Commercial driver licenses; entry-level driver training.** Amends several statutes regarding the licensure of commercial motor vehicle drivers. The bill codifies federal regulatory requirements relating to the training and licensure of first time applicants for certain classifications of commercial driver's licenses and endorsements. The bill allows for lifetime disqualification of the commercial credentials for holders of commercial driver's licenses and commercial learner's permits for certain felony drug charges in compliance with current federal regulation. The bill authorizes certain exemptions for qualifying military personnel. Several provisions of the bill have delayed or contingent effective dates.

*Patron - Deeds*

**SB1499 Department of Motor Vehicles hearings; motor vehicle dealers; report.** Requires the Commissioner of the Department of Motor Vehicles to provide to the Motor Vehicle Dealer Board or person reporting an alleged violation with regard to motor vehicle dealers certain information regarding investigations and hearings. The bill requires the Commissioner to report by December 1, 2019, and December 1, 2020, to the Chairmen of the House and Senate Committees on Transportation on the volume and nature of any alleged violations received by the Department and the resulting actions taken by the Commissioner when he is provided with information indicating a possible violation involving motor vehicle dealer franchises.

*Patron - DeSteph*

**SB1510 Police-requested towing; local regulation.** Provides that only towing requests made by local law-enforcement officers are subject to local ordinances regulating towing services for unattended, abandoned, or immobile vehicles.

*Patron - Carrico*

**SB1520 Department of Motor Vehicles records; certain private vendors; penalty.** Requires the Department of Motor Vehicles to release certain vehicle owner data, upon

request, to a private vendor operating a video-monitoring system on or in a school bus. The bill limits how such data can be used and stored and provides that any person who unlawfully discloses such data is subject to a civil penalty of \$1,000 for each disclosure. The bill provides that drivers required to stop for a stopped school bus shall remain stopped until the school bus is put in motion. This bill is identical to HB 2344.

*Patron - Carrico*

**SB1521 Handheld photo speed monitoring devices.** Provides that the Department of State Police may operate a handheld photo speed monitoring device, defined in the bill, in or around a highway work zone 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 and (ii) such highway work zone is indicated by appropriately placed signs displaying the maximum speed limit and the use of such handheld automated speed monitoring device. The bill also 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 monitoring device. This bill received Governor's recommendations.

*Patron - Carrico*

**SB1560 Local regulation of parking of certain vehicles.** Adds Cape Charles to the towns 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. This bill is identical to HB 1777.

*Patron - Lewis*

**SB1567 Localities; towing fees.** Provides that localities in Planning District 8 and Planning District 16 shall establish by ordinance a hookup and initial towing fee of no less than \$135 and no more than \$150. Current law authorizes such localities to set the hookup and initial towing fee at \$135.

*Patron - Marsden*

**SB1667 Nonpayment of child support; amount of arrearage paid; time period to pay arrearage; repayment schedule; suspension of driver's license.** Provides that an individual who is delinquent in child support payments or has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings is entitled to a judicial hearing if he makes a written request within 30 days from service of a notice of intent to suspend or renew his driver's license. Current law provides such an entitlement if such request is made within 10 days from such notice. The bill further allows the Department of Motor Vehicles to renew a driver's license or terminate a license suspension imposed on an individual if such individual has reached an agreement with the Department of Social Services to satisfy the child support payment delinquency within a 10-year period and has made at least one payment of at least five percent of the total delinquency or \$600, whichever is less, as opposed to whichever is greater under current law, under such agreement. The bill further provides that, where such a repayment agreement has been entered into and such an individual has failed to comply with such agreement, the Department of Motor Vehicles shall suspend or refuse to renew such individual's driver's license until it has received certification from the Department of Social Services that such individual has entered into a subsequent agreement to pay within a period of seven years and has paid the lesser amount, as opposed to greater amount under current law, of at least one payment of \$1,200 or seven percent, as opposed

to five percent under current law, of the current delinquency. The bill provides that an individual who fails to comply with such a subsequent agreement may enter into a new agreement if such individual has made a payment in the lesser amount, as opposed to the greater amount under current law, of \$1,800 or 10 percent, as opposed to five percent under current law, and agrees to a repayment schedule of not more than seven years, which is consistent with the timeframe provided by the current law. This bill is identical to HB 2059.

*Patron - Dance*

**SB1677 Child restraint devices and safety belts; emergency and law-enforcement vehicles.** Exempts the operators of emergency medical services agency vehicles, fire company vehicles, fire department vehicles, and law-enforcement agency vehicles during the performance of their official duties from (i) the requirement that certain minors be secured with a safety belt and (ii) the requirement that minors under the age of eight be secured in a child restraint device provided that exigent circumstances exist and no child restraint device is readily available. This bill is identical to HB 1662.

*Patron - Suetterlein*

**SB1768 Use of handheld personal communications devices; highway work zones; penalty.** Prohibits any person from holding a handheld personal communications device in his hand while driving a motor vehicle in a highway work zone, with certain exceptions. The bill provides that a violation is punishable by a mandatory fine of \$250. Current law prohibits only 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, with the same exceptions. This bill received Governor's recommendations.

*Patron - Mason*

**SB1787 Motor vehicle insurance; compliance verification.** Requires motor vehicle insurance companies to report all required insurance information to the Department of Motor Vehicles (DMV) within 30 days of a policy change and to respond to all DMV requests for acknowledgment by confirming or denying the existence of an insurance policy within 15 days of receiving the request. The measure requires such insurers to report all necessary insurance information to the DMV electronically. The measure updates the types of policy updates and necessary data fields required to operate DMV's insurance verification process. The measure requires DMV to initiate the insurance verification process following receipt of a report that it processed an uninsured motorist claim involving an uninsured motor vehicle registered in Virginia. The measure provides that if a customer opts to surrender his license plates to DMV online or by telephone, he is not entitled to a partial refund of the cost of registration fees. The measure authorizes the DMV to dispense with a customer's suspension if a customer provides evidence that he was in compliance with Virginia's insurance laws. The measure renames the fee charged after a violation of Virginia's insurance laws from the uninsured motor vehicle fee to the noncompliance fee, increases the fee from \$500 to \$600, and directs the additional revenue to the DMV's special fund to be used for enhancements to DMV's insurance verification program. The measure also amends Virginia's installment payment program to (i) allow out-of-state individuals to apply for an installment payment plan; (ii) allow a customer to enter into a second installment payment plan after defaulting on the first plan; and (iii) authorize the Commissioner to extend an installment payment due date by up to 30 days when events outside of DMV's control adversely affect its ability to accept payment. An enactment clause requires DMV to report in 2024 to the General Assembly on the effectiveness of this measure in improving the insurance verification program. An enactment clause postpones the effective date

of the provisions that require electronic filing of insurance information and update the types of data required to be provided by insurers. This bill is identical to HB 1867.

*Patron - Newman*

## Failed

**HB1633 Designating the Lieutenant Bradford T. Clark Memorial Bridge.** Designates the State Route 627 bridge in Hanover County over Interstate 295 the “Lieutenant Bradford T. Clark Memorial Bridge.”

*Patron - Peace*

**HB1695 Passing a stopped school bus; civil penalty.** Increases from \$250 to \$500 the civil penalty for passing a stopped school bus.

*Patron - Fariss*

**HB1697 Tow truck drivers; criminal history.** Makes discretionary the prohibition on the issuance of a tow truck driver registration to a person who was convicted of a violent crime or a crime involving the driving of a tow truck, including drug or alcohol offenses, when the conviction occurred more than 10 years prior to the date of application.

*Patron - Fariss*

**HB1708 Special license plates; RECOVERY MATTERS.** Authorizes the issuance of revenue-sharing special license plates for supporters of recovery from addiction bearing the legend RECOVERY MATTERS.

*Patron - Kory*

**HB1744 Smoking in motor vehicle with a minor present.** Expands the age group of minors in the presence of whom it is illegal to smoke in a motor vehicle from those under the age of eight to those under the age of 18. The bill changes smoking in a motor vehicle with a minor present from a secondary offense to a primary offense.

*Patron - Rasoul*

**HB1780 Salvage vehicles.** Removes the requirement that a vehicle be late model in order to meet the definition of salvage vehicle due to having been (i) acquired by an insurance company as part of the claims process or (ii) damaged to the extent that its estimated cost of repair would exceed its value before the damage minus the salvage value. The bill expands corresponding reporting requirements to require application for a salvage certificate for certain early model vehicles. The bill also removes the requirement that a vehicle be late model in order to meet the definition of rebuilt vehicle.

*Patron - Bloxom*

**HB1781 Vehicle safety inspections; maximum charges.** Increases from \$12 to \$15 the maximum amount a safety inspection station can charge for an inspection of a motorcycle and increases from \$16 to \$25 the maximum amount a safety inspection station can charge for an inspection of a vehicle other than a motorcycle, autocycle, tractor truck, truck that has a gross vehicle weight rating of 26,000 pounds or more, or motor vehicle that is used to transport passengers and has a seating capacity of more than 15 passengers, including the driver.

*Patron - Bloxom*

**HB1805 Special license plates; VIRGINIA LOVES TEACHERS.** Authorizes the issuance of special license plates for supporters of teachers in the Commonwealth bearing the legend VIRGINIA LOVES TEACHERS.

*Patron - McGuire*

**HB1811 Use of handheld personal communications devices while driving.** Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits only the reading of any email or text message and manually entering letters or text in such a device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are being held and used (i) as an amateur radio or a citizens band radio or (ii) for official Department of Transportation or traffic incident management services.

*Patron - Collins*

**HB1842 Special license plates; former members of the Virginia General Assembly.** Authorizes the issuance of special license plates for former members of the Virginia General Assembly bearing the legend FORMER VIRGINIA STATE LEGISLATOR.

*Patron - Marshall*

**HB1843 Driver privilege cards; penalty.** 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, 2020.

*Patron - Bloxom*

**HB1846 Department of Motor Vehicles; service charges for in-person transactions.** Eliminates the service charge imposed and collected by the Department of Motor Vehicles (DMV) for any registration, driver's license, or identification card renewal in a DMV service center.

*Patron - Brewer*

**HB1872 Protective helmets on motorcycles and autocycles; organ donor exemption.** Exempts any operator of and passenger on a motorcycle or autocycle who is 21 years of age or older and a registered organ donor from the requirement to wear a protective helmet when on a motorcycle or autocycle. The bill reduces operating or riding on a motorcycle or autocycle without a protective helmet from a primary offense to a secondary offense, which can be charged only when the offender is stopped for another, separate offense.

*Patron - Webert*

**HB2025 Driver privilege cards; penalty.** 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 and (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle. 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, 2020.

*Patron - Tran*

**HB2068 Motor vehicle safety inspection; new motor vehicle.** Extends from 12 months to 24 months the validity period of the first motor vehicle safety inspection of a new motor vehicle.

*Patron - Bell, John J.*

**HB2091 Smoking in motor vehicle with a minor present.** Expands the age group of minors in the presence of whom it is illegal to smoke in a motor vehicle from those under the age of eight to those under the age of 16. The bill expands the definition of "smoke" to include use of a nicotine vapor product.

*Patron - Guzman*

**HB2098 Federal electronic logging device regulations; use of state funds prohibited.** Prohibits the expenditure of state funds for the purpose of enforcing federal regulations related to electronic logging devices against a motor vehicle transporting nonhazardous materials for farm purposes intrastate.

*Patron - Freitas*

**HB2149 Display of single license plate on certain motor vehicles.** Authorizes a motor vehicle that (i) has a fiberglass body, (ii) does not have factory-installed front license plate brackets, and (iii) is not more than 56 inches high to only have one of the assigned licensed plates attached to the vehicle and provides that such license plate shall be attached to the rear of the vehicle.

*Patron - Ingram*

**HB2155 Vehicles stopped at crosswalks; prohibition on passing.** 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.

*Patron - Plum*

**HB2209 Motor vehicle safety inspection; new motor vehicle.** Extends from 12 months to 24 months the validity period of the first motor vehicle safety inspection of a new motor vehicle.

*Patron - Brewer*

**HB2214 Motorized skateboards or foot-scooters; operation; local authority.** Authorizes localities to prohibit or regulate the operation of companies providing motorized skateboards or foot-scooters for hire. The bill authorizes localities to regulate certain aspects of the operation of motorized skateboards and foot-scooters. The bill changes the definition of motorized skateboard or foot-scooter by (i) removing the requirement that such device have no manufacturer-issued vehicle identification number, (ii) removing the requirement that the motor or engine be of a certain maximum power, (iii) providing that such device weighs less than 100 pounds, and (iv) providing that such device may be powered in whole or in part by the motor or engine. The bill makes consistent the operational requirements for motorized skateboards or foot-scooters and similar devices, including (a) allowing motorized skateboards and foot-scooters to be driven on sidewalks, (b) requiring motorized skateboards and foot-scooters driven on a roadway to be driven as close to the right curb as is safely practicable, (c) prohibiting the operation of motorized skateboards or foot-scooters on any Interstate Highway System component, and (d) requiring operators of motorized skateboards and foot-scooters to give hand signals and have lights on such vehicle. The bill prohibits operating a motorized skateboard or foot-scooter at a speed faster than 20 miles per hour.

*Patron - Jones, J.C.*

**HB2221 Special license plates; former members of the Virginia General Assembly.** Authorizes the issuance of special license plates for former members of the Virginia General Assembly bearing the legend FORMER VIRGINIA STATE LEGISLATOR.

*Patron - O'Quinn*

**HB2232 Motorized skateboards or foot-scooters; operation; local authority.** Authorizes localities to prohibit or regulate the operation of companies providing motorized skateboards or foot-scooters for hire. The bill authorizes localities to regulate certain aspects of the operation of motorized skateboards and foot-scooters. The bill changes the definition of motorized skateboard or foot-scooter by (i) removing the requirement that such device have no manufacturer-issued vehicle identification number, (ii) removing the requirement that the motor or engine be of a certain maximum power, (iii) providing that such device weighs less than 100 pounds and has a maximum speed of no more than 20 miles per hour, and (iv) providing that such device may be powered in whole or in part by the motor or engine. The bill makes consistent the operational requirements for motorized skateboards or foot-scooters and similar devices, including (a) allowing motorized skateboards and foot-scooters to be driven on sidewalks, (b) requiring motorized skateboards and foot-scooters driven on a roadway to be driven as close to the right curb as is safely practicable, (c) prohibiting the operation of motorized skateboards or foot-scooters on any Interstate Highway System component, and (d) requiring operators of motorized skateboards and foot-scooters to give hand signals and have lights on such vehicle.

*Patron - Bagby*

**HB2233 Interior lights; operator requirements.** Requires the operator of a motor vehicle, autocycle, road roller, road machinery, or tractor truck equipped with an interior light or lights and used on a highway to ensure that such lights are in

good working order. The bill further requires an operator of any such vehicle equipped with interior lights to illuminate at least one such light, including the light in closest proximity to the front seats, immediately upon stopping after having received a visible or audible signal from any law-enforcement officer to bring his motor vehicle to a stop between sunset and sunrise. The bill contains technical amendments.

*Patron - Robinson*

**HB2254 Ice cream trucks; warning lights.** Authorizes ice cream trucks to be equipped with amber warning lights for use when the vehicle is stationary or being operated on a highway with a speed limit that does not exceed 25 miles per hour. The bill contains technical amendments.

*Patron - Pogge*

**HB2264 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.

*Patron - Krizek*

**HB2273 Use of handheld personal communications devices in certain motor vehicles while passing stopped school bus; penalty.** Imposes a mandatory fine of \$250 for using a handheld personal communications device for reading emails or texting while operating a motor vehicle and passing a stopped school bus.

*Patron - Webert*

**HB2275 Passing stopped school bus; certain local ordinances.** Provides that a local ordinance prohibiting passing a stopped school bus adopted by a county applies to infractions that occur in a town located within the county for which the county provides the public school system.

*Patron - Webert*

**HB2277 Driver's license suspensions for certain non-driving related offenses.** 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.

*Patron - Hayes*

**HB2446 Motorcycles; driving on shoulder of highway.** Allows motorcycles to drive on the right shoulder of limited access highways when (i) traffic on such highway is stopped or traveling at a speed of not more than 10 miles per hour, (ii) the driver of such motorcycle travels at a speed of not more than 15 miles per hour, and (iii) the driver of such motorcycle uses the first available exit to leave the highway.

*Patron - Wilt*

**HB2488 Suspension of driver's license for non-payment 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 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 defen-

dent's driver's license until payment in full or until the defendant enters into a payment plan.

*Patron - Lopez*

**HB2594 Traffic incident management vehicles.** Adds traffic incident management vehicles, defined in the bill, when operated by persons who meet certain training requirements, to a list of vehicles exempt from certain traffic regulations when responding to an emergency. The bill also allows such vehicles to be equipped with flashing red or red and white secondary warning lights and sirens.

*Patron - LaRock*

**HB2607 Parking certain large vehicles; local ordinances.** Authorizes local governing bodies, by ordinance, to prohibit or limit the parking of certain large vehicles adjacent to residential areas. The bill limits the exemption from local ordinances regarding parking of certain large vehicles in commercial business areas for vehicles waiting to be loaded or unloaded to those vehicles whose waiting period lasts no more than one hour.

*Patron - Ward*

**HB2754 When headlights to be lighted.** Requires every vehicle in operation to display lighted headlights. Currently headlights are required to be lighted only (i) from sunset to sunrise; (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow. The bill removes provisions making the failure to display lighted headlights when windshield wipers are in use as a result of fog rain, sleet, or snow (a) a secondary offense, (b) subject to no demerit points being assessed, and (c) not a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

*Patron - Plum*

**HB2759 Department of Motor Vehicles; electronic peer-to-peer motor vehicle rental services; report.** Directs the Department of Motor Vehicles, in consultation with the State Corporation Commission and the Department of Taxation, to convene a work group to study the implications of electronic peer-to-peer vehicle rental services.

*Patron - Sickles*

**HB2795 Handheld photo speed monitoring devices.** Provides that the Department of State Police may operate a handheld photo speed monitoring device, defined in the bill, in or around a highway work zone 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 and (ii) such highway work zone is indicated by appropriately placed signs displaying the maximum speed limit and the use of such handheld automated speed monitoring device. The bill also 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 monitoring device.

*Patron - Torian*

**HB2813 Department of Motor Vehicles; electronic peer-to-peer motor vehicle rental services; report.** Directs the Department of Motor Vehicles, in consultation with the State Corporation Commission and the Department of Tax-

ation, to convene a work group to study the implications of electronic peer-to-peer vehicle rental services.

*Patron - Sickles*

**SB1013 Suspension of driver's license for non-payment 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, 2019, solely for nonpayment of fines or costs, provided that such person has paid the applicable reinstatement fee. The provisions of the bill are contingent upon funding in a general appropriation act. This bill incorporates SB 1310 and SB 1612.

*Patron - Stanley*

**SB1029 Vehicle inspector certification; nonviolent felon.** Prohibits the Superintendent of State Police from promulgating regulations barring an individual from being certified as a vehicle inspector solely because he has previously been convicted of a criminal offense other than a violent felony or an act of violence.

*Patron - Cosgrove*

**SB1105 Special license plates; FORK UNION MILITARY ACADEMY.** Authorizes the issuance of special license plates for supporters of Fork Union Military Academy bearing the legend FORK UNION MILITARY ACADEMY. The bill exempts the plate from the requirement to obtain 450 prepaid applications prior to issuance and from the provision that prohibits issuance of additional plates in the series if, after five or more years after issuance, the plate has fewer than 200 active sets of plates.

*Patron - Peake*

**SB1154 Traffic infractions not encompassed by reckless or improper driving.** Requires the driver of a motor vehicle to (i) give full time and attention to the safe operation of the motor vehicle and (ii) exercise due care and decrease speed as necessary to avoid a collision with any person, vehicle, or other conveyance on or entering the highway. These violations, which are not encompassed by the current reckless driving statute, shall constitute traffic infractions.

*Patron - Black*

**SB1235 Vehicle inspector certification; criminal history.** Prohibits the Superintendent of State Police from promulgating regulations barring an individual from being certified as a vehicle inspector solely because he has previously been convicted of a criminal offense, provided that he (i) is free from any term of incarceration, probation, or postrelease supervision and (ii) has been free from any term of incarceration, has been employed as a mechanic, and has not been convicted of any criminal offense for a period of at least three years prior to the date of application.

*Patron - DeSteph*

**SB1282 Safety belt systems; rear passengers; primary offense.** Expands the requirement that any driver and any person at least 18 years of age use a safety belt system in the front seat while a motor vehicle is in motion on a public highway to include occupants in rear passenger seats, defined in the bill. The bill makes any violation of the statute govern-

ing the required use of safety lap belts and shoulder harnesses a primary offense.

*Patron - Barker*

**SB1334 Coercion of motor vehicle dealers; compensation; civil penalties.** Authorizes the Commissioner of the Department of Motor Vehicles to impose civil penalties on a manufacturer, factory branch, distributor, or distributor branch that (i) fails to compensate dealers for coercing or requiring them to refrain from selling certain motor vehicles or (ii) fails to establish a written procedure for compensating dealers in such a situation.

*Patron - Cosgrove*

**SB1335 Motor vehicle safety inspections; charges.** Increases the maximum charge for a state safety inspection for a motor vehicle from \$16 to \$20.

*Patron - Barker*

**SB1341 Use of handheld personal communications devices while driving.** Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits only the reading of any email or text message and manually entering letters or text in such a device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are being held and used (i) as an amateur radio or a citizens band radio or (ii) for official Department of Transportation or traffic incident management services.

*Patron - Stuart*

**SB1364 Salvage vehicles.** Removes the requirement that a vehicle be late model in order to meet the definition of salvage vehicle due to having been (i) acquired by an insurance company as part of the claims process or (ii) damaged to the extent that its estimated cost of repair would exceed its value before the damage minus the salvage value. The bill expands corresponding reporting requirements to require application for a salvage certificate for certain early model vehicles. The bill also removes the requirement that a vehicle be late model in order to meet the definition of rebuilt vehicle.

*Patron - Cosgrove*

**SB1476 School bus video-monitoring systems; release of information by the Department of Motor Vehicles.** Authorizes the Department of Motor Vehicles to release vehicle owner data of a vehicle that failed to stop for a stopped school bus upon request of a video-monitoring system operator or upon request of the authorized agent or employee of a video-monitoring system operator.

*Patron - Deeds*

**SB1487 Driver's license designation; traumatic brain injury.** Requires the Department of Motor Vehicles, upon the request of the applicant and presentation of a signed statement by a licensed neurologist confirming the applicant's condition, to designate a traumatic brain injury on the applicant's driver's license.

*Patron - Deeds*

**SB1536 Out-of-state conviction of drug offenses; restricted driver's license.** Provides that a person convicted of a drug offense in another state may petition the general district court of the county or city in which he resides for a restricted driver's license allowing the petitioner to operate a motor vehicle in the Commonwealth on a restricted basis, provided that no such restricted license shall permit the petitioner to operate a commercial vehicle.

*Patron - Surovell*

**SB1550 Bicyclists and other vulnerable road users.** 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 person riding a bicycle, electric wheelchair, electric bicycle, wheelchair, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle, is guilty of a traffic infraction. The bill prohibits the driver of a motor vehicle from using or crossing into a bicycle lane to pass or attempt to pass another vehicle except to provide traffic incident management services, when directed by a law-enforcement officer, or when the roadway is otherwise impassable due to weather conditions, an accident, or an emergency situation.

*Patron - Surovell*

**SB1555 Maximum speed limits; fines doubled.** Allows a county to provide by ordinance that fines for speeding on a nonlimited access highway having four or more lanes in such county are doubled.

*Patron - Vogel*

**SB1578 Reckless driving; exceeding speed limit.** Raises from 80 to 85 miles per hour the speed above which a person who drives a motor vehicle on the highways in the Commonwealth is guilty of reckless driving regardless of the applicable maximum speed limit.

*Patron - Suetterlein*

**SB1612 Suspension of driver's license for non-payment 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 reinstate any person's privilege to drive a motor vehicle that was suspended prior to July 1, 2019, solely for nonpayment of fines or costs. This bill was incorporated into SB 1013.

*Patron - Ebbin*

**SB1613 Driver's license suspensions for certain non-driving related offenses.** 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 the bill are contingent upon funding in a general appropriation act.

*Patron - Ebbin*

**SB1641 Driver privilege cards; penalty.** 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 and (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle. 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 juris-

dition. 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, 2020.

*Patron - Boysko*

**SB1723 Motor vehicle safety inspections; cost evaluation by DMV and the Department of State Police.** Requires the Department of Motor Vehicles (DMV) and the Department of State Police to jointly evaluate the feasibility of including in a motor vehicle safety inspection the inspection of window tint and noise levels of exhaust systems, including a cost estimate for such an inspection. The bill requires the DMV and the Department of State Police to complete its evaluation by November 30, 2019, and submit a report of its findings by December 1, 2019.

*Patron - Deeds*

**SB1733 Department of Motor Vehicles; electronic peer-to-peer motor vehicle rental services; report.** Directs the Department of Motor Vehicles, in consultation with the State Corporation Commission and the Department of Taxation, to convene a work group to study the implications of electronic peer-to-peer vehicle rental services.

*Patron - Cosgrove*

**SB1740 Driver privilege cards; penalty.** 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, 2020.

*Patron - Surovell*

**SB1765 Restoration of certain highways; payment of costs.** Clarifies that public safety agencies may, following a motor vehicle accident or incident, restore the highway to its condition prior to the accident. The bill does not

affect current law authorizing the removal of vehicles, cargo, and personal property without the consent of the owner or carrier. The bill clarifies that the owner or carrier of the vehicle, cargo, or personal property removed is responsible for paying all costs billed for removing the property and restoring the highway and adds individuals or entities acting at the request of State Police or a local law-enforcement agency to the list of entities that must be reimbursed or paid. Current law provides for the reimbursement of such costs.

*Patron - Stanley*

**SB1784 Traffic incident management vehicles.** Authorizes traffic incident management vehicles, defined in the bill, to be (i) equipped with flashing red or red and white warning lights, (ii) exempt from certain traffic regulations in particular situations, and (iii) equipped with a siren, exhaust whistle, or air horn. The bill adds traffic incident management vehicles to the list of stopped vehicles for which the operator of a motor vehicle must move over or proceed with caution.

*Patron - Boysko*

## Notaries and Out-of-State Commissioners

### Passed

**SB1782 Notaries; qualifications.** Prohibits a person who has been convicted of a felony offense of (a) fraud or misrepresentation or (b) robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, perjury, bribery, treason, or racketeering from qualifying to be a notary, regardless of whether his civil rights have been restored. This bill was vetoed by the Governor.

*Patron - Obenshain*

### Failed

**HB2135 Notaries; qualifications; conviction of a felony.** Provides that a person who has been convicted of a Class 5 or Class 6 felony and who has successfully fulfilled all conditions of sentencing of such felony may be eligible to be commissioned as a notary.

*Patron - Jones, J.C.*

## Persons with Disabilities

### Passed

**HB1938 Blind or vision impaired; definition.** Amends the definition of “blind person” in conformance with the definition set forth by the Social Security Administration.

*Patron - Krizek*

**HB2017 Auxiliary grants; supportive housing.** Allows individuals receiving auxiliary grants to select supportive housing without any requirement that such individuals wait until their first or any subsequent annual reassessment to make such selection. The bill directs the Commissioner for Aging and Rehabilitative Services to (i) promulgate regulations to implement the provisions of the bill within 180 days of its enactment and (ii) develop guidance documents for implementation of the provisions of the bill no later than February 1, 2020. The bill establishes that the number of auxiliary grant

recipients in the supportive housing setting shall not exceed 90 unless the waiting list for supportive housing consists of 30 individuals or more on October 1, 2020, in which case the maximum number of auxiliary grant recipients in supportive housing shall be increased to 120.

*Patron - Peace*

**HB2137 Persons who are deaf or hard of hearing; terminology.** Replaces the term “hearing impaired” and its variations with “deaf or hard of hearing” and “hearing loss” throughout the Code of Virginia. The bill also renames the Virginia Hearing Impairment Identification and Monitoring System as the Virginia Hearing Loss Identification and Monitoring System.

*Patron - Thomas*

**HB2296 Rights of persons with disabilities; procedures for certain actions; website accessibility.** Provides that when a complaint is filed alleging that the website of a bank, trust company, savings institution, or credit union does not comply with applicable law regarding its accessibility by the vision impaired or hearing impaired, the action shall be commenced no sooner than 120 days after the claimant files a written statement of the nature of the claim. The bill further provides that a website of a bank, trust company, savings institution, or credit union is in compliance with Virginia's laws prohibiting discrimination against people with disabilities if it meets the Web Content Accessibility Guidelines 2.0 Level AA as developed by the Web Accessibility Initiative. This bill received Governor's recommendations.

*Patron - Leftwich*

**HB2306 Long-Term Employment Support Services and Extended Employment Services.** Directs the Department for Aging and Rehabilitative Services to make referrals to any employment services organization that provides competitive or commensurate wages and is eligible to receive state-funded Long-Term Employment Support Services or Extended Employment Services. The bill also requires the Department to develop and implement a referral process for individuals who make an informed choice to pursue an employment outcome that is not considered a competitive integrated employment setting by the Department. The bill also establishes the Employment Service Organization Steering Committee as an advisory board in the executive branch of state government. The bill provides that the purpose of the Committee shall be to report to and advise the Commissioner for Aging and Rehabilitative Services on policy, funding, and the allocation of funds to employment services organizations for Long-Term Employment Support Services and Extended Employment Services. This bill is identical to SB 1485. This bill received Governor's recommendations.

*Patron - Landes*

**SB1286 Persons with disabilities; auxiliary grants; supportive housing.** Allows individuals receiving auxiliary grants to select supportive housing without any requirement that such individuals wait until their first or any subsequent annual reassessment to make such selection. The bill directs the Commissioner for Aging and Rehabilitative Services to (i) promulgate regulations to implement the provisions of the bill within 180 days of its enactment and (ii) develop guidance documents for implementation of the provisions of the bill no later than February 1, 2020. The bill establishes that the number of auxiliary grant recipients in the supportive housing setting shall not exceed 90 unless the waiting list for supportive housing consists of 30 individuals or more on October 1, 2020, in which case the maximum number

of auxiliary grant recipients in supportive housing shall be increased to 120.

*Patron - Barker*

**SB1485 Long-Term Employment Support Services and Extended Employment Services.** Directs the Department for Aging and Rehabilitative Services to make referrals to any employment services organization that provides competitive or commensurate wages and is eligible to receive state-funded Long-Term Employment Support Services or Extended Employment Services. The bill also requires the Department to develop and implement a referral process for individuals who make an informed choice to pursue an employment outcome that is not considered a competitive integrated employment setting by the Department. The bill also establishes the Employment Service Organization Steering Committee as an advisory board in the executive branch of state government. The bill provides that the purpose of the Committee shall be to report to and advise the Commissioner for Aging and Rehabilitative Services on policy, funding, and the allocation of funds to employment services organizations for Long-Term Employment Support Services and Extended Employment Services. This bill is identical to HB 2306. This bill received Governor's recommendations.

*Patron - Hanger*

## Failed

**HB1989 Extended Employment Services.** Removes the eligibility of individuals with a significant disability to receive Extended Employment Services. Under current law, Extended Employment Services are available to individuals with a significant disability or a most significant disability.

*Patron - Heretick*

**HB2729 Service dogs; training age.** Reduces the age of a service dog in training from 6 months to 4 months.

*Patron - Cole*

**SB1302 Rights of persons with disabilities; procedures for certain actions; website accessibility.** Requires a person who alleges that the website of a bank, trust company, savings institution, or credit union does not comply with applicable law regarding its accessibility by the vision impaired or hearing impaired to provide such entity with notice of the alleged violation at least 120 days prior to filing a civil cause of action. If the entity cures the defect within the 120 days, then the court shall dismiss the action. The bill also requires the court to dismiss a cause of action filed after the defendant has cured the defect and award reasonable costs and attorney fees to the defendant.

*Patron - Barker*

## Police (State)

## Failed

**HB1976 State Police; reporting hate crimes.** Includes within the definition of "hate crime" a criminal act committed against a person because of sexual orientation or gender identification and requires the reporting of the commission of such crime to the State Police.

*Patron - Sullivan*

**HB2436 Community Policing Act; data collection and reporting requirement.** Prohibits law-enforcement officers and State Police officers from engaging in bias-based profiling, defined in the bill, in the performance of their official duties. The bill requires sheriffs, police forces, and State Police officers to collect certain data pertaining to motor vehicle or investigatory stops to be reported into the Community Policing Reporting Database. The bill requires the Department of State Police to develop and implement such database to collect and analyze motor vehicle and investigatory stops and records of complaints alleging the use of excessive force. The data shall be analyzed to determine the existence and prevalence of the practice of bias-based profiling and the prevalence of complaints alleging the use of excessive force. The bill requires that, each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle, the officer collect the following data: (i) the race, ethnicity, age, and gender of the person stopped; (ii) the reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was issued or whether any persons were arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; and (vi) whether the vehicle or any person was searched. Each state and local law-enforcement agency shall also collect the number of complaints the agency receives alleging the use of excessive force. The Superintendent shall annually report the findings and recommendations resulting from the collection, analysis, and interpretation of the data from the Community Policing Reporting Database to the Governor, the General Assembly, and the Attorney General beginning July 1, 2020. The report shall include information regarding any state or local law-enforcement agency that has failed or refused to report the required data to the Department of State Police. A copy of the report shall be provided to each attorney for the Commonwealth of the county or city in which a reporting law-enforcement agency is located.

*Patron - Torian*

**HB2498 Missing and endangered child; Endangered Missing Child Media Alert.** Provides that the Virginia State Police may issue a public or media alert at the request of a law-enforcement agency regarding a missing and endangered child who does not meet the definition of an abducted child. The bill directs the Virginia State Police to develop policies for establishing uniform standards for the implementation of an Endangered Missing Child Media Alert in such circumstances.

*Patron - Krizek*

**HB2579 Department of State Police; reporting hate crimes.** Includes within the definition of "hate crime" a criminal act committed against a person because of gender, disability, or sexual orientation and requires the reporting of the commission of such crime to the Department of State Police.

*Patron - Kory*

**SB1608 Virginia Fusion Intelligence Center; school safety mobile application.** Requires the Virginia Fusion Intelligence Center (the Center) to develop or obtain a school safety mobile application to (i) facilitate the provision of real-time, 24 hours a day, seven days a week crisis intervention services by licensed clinicians, including support or crisis counseling, suicide prevention, and referral services to students and youth in the Commonwealth through calls, texts, and online chats and (ii) provide to students and youth in the Commonwealth a platform that is capable of receiving text, audio, images, or video to furnish information concerning a suspected, anticipated, or completed criminal violation. The provi-

sions of the bill are contingent on funding in a general appropriation act.

*Patron - Dumnivant*

## Prisons and Other Methods of Correction

Passed

**HB1642 Department of Corrections; restrictive housing; data collection and reporting; report.** Requires the Department of Corrections to report to the General Assembly and the Governor on or before October 1 of each year certain population statistics of persons incarcerated in state correctional institutions, including certain statistics regarding offenders placed in and released from restrictive housing and Shared Allied Management Units. This bill is identical to SB 1777.

*Patron - Hope*

**HB1917 Department of Corrections; health care continuous quality improvement committee.** Requires the Director of the Department of Corrections to establish a health care continuous quality improvement committee, consisting of the Director and specified health care professionals employed by the Department. The bill requires the committee to (i) identify appropriate criteria for evaluation of the quality of health care services provided by the Department, (ii) monitor and evaluate the quality of health care services provided by the Department utilizing the criteria identified, and (iii) develop strategies to improve the quality of health care services provided by the Department. The bill also requires the committee to publish quarterly continuous quality improvement reports setting forth such data and information as the committee deems appropriate on a website maintained by the Department. As introduced, this bill is a recommendation of the Joint Commission on Health Care. This bill is identical to SB1273.

*Patron - Stolle*

**HB1918 Board of Corrections; minimum standards for health care services in local correctional facilities.** Authorizes the Board of Corrections (Board) to establish minimum standards for health care services in local, regional, and community correctional facilities and procedures for enforcing such minimum standards, with the advice of and guidance from the Commissioner of Behavioral Health and Developmental Services and State Health Commissioner. The bill provides that (i) such standards shall require that each local, regional, and community correctional facility submit a standardized quarterly continuous improvement report documenting the delivery of health care services, along with any improvements made to those services, to the Board and (ii) such reports shall be available to the public on the Board's website. The bill also authorizes the Board to determine that a local, regional, or community correctional facility accredited by the American Correctional Association or National Commission on Correctional Health Care meets such minimum standards solely on the basis of such accreditation; however, without exception, the requirement to submit standardized quarterly continuous quality improvement reports shall be a mandatory minimum standard. This bill is a recommendation of the Joint Commission on Health Care. This bill is identical to SB 1598.

*Patron - Stolle*

**HB1933 Medical and mental health treatment of prisoners incapable of giving consent.** Establishes a process

for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner in such facility who is incapable of giving informed consent for such treatment. The process parallels the existing process for the Director of the Department of Corrections to seek authorization to provide involuntary treatment to prisoners in state correctional facilities. The bill requires the court to authorize such treatment in a facility designated by the sheriff or administrator upon finding that the prisoner is incapable, either mentally or physically, of giving informed consent; that the prisoner does not have a relevant advanced directive, guardian, or other substitute decision maker; that the proposed treatment is in the best interests of the prisoner; and that the jail has sufficient medical and nursing resources available to safely administer the treatment and respond to any adverse side effects that might arise from the treatment. The bill provides that the treatment ordered may be provided within a local or regional correctional facility if such facility is licensed to provide such treatment. If statutory procedures are followed, the service provider does not have liability based on lack of consent or lack of capacity to consent unless there is injury or death resulting from gross negligence or willful and wanton misconduct.

*Patron - Hope*

**HB1935 Inmate workforces; eligibility for voluntary participation.** Clarifies eligibility for voluntary participation in an inmate workforce with the approval of and under the supervision of the sheriff or his designee.

*Patron - Collins*

**HB1942 Behavioral health services; exchange of medical and mental health information and records; correctional facilities.** Authorizes the State Board of Corrections (the Board) to establish minimum standards for behavioral health services in local correctional facilities, including (i) requirements for behavioral health screening and assessment for all individuals committed to local correctional facilities, the delivery of behavioral health services in local correctional facilities, and the sharing of medical and mental health information and records concerning individuals committed to local correctional facilities; (ii) requirements for discharge planning for individuals with serious mental illness assessed as requiring behavioral health services upon release from local correctional facilities; (iii) requirements for at least one unannounced annual inspection of each local correctional facility to determine compliance; and (iv) provisions for billing the sheriff in charge of a local correctional facility or superintendent of a regional correctional facility by a community services board that provides behavioral health services in the local or regional correctional facility. The bill also allows the person in charge of a state, regional, or local correctional facility, or his designee, to receive from a health care provider medical and mental health information and records concerning a person committed to such correctional facility, even when such committed person does not provide consent or consent is not readily obtainable, when such information and records are necessary (a) for the provision of health care to the person committed, (b) to protect the health and safety of the person committed or other residents or staff of the facility, or (c) to maintain the security and safety of the facility. The bill clarifies that the administrative personnel of a state, regional, or local correctional facility may receive medical and mental health information and records from any health care provider concerning any person committed to such correctional facility as necessary to maintain the safety of the facility, its employees, or other prisoners. This bill received Governor's recommendations.

*Patron - Bell, Robert B.*

**HB1981 Virginia Correctional Enterprises; procedure for exemptions to the mandatory purchase provisions.** Provides that any department, institution, or agency of the Commonwealth is required to obtain the written consent of only the Chief Executive Officer of the Virginia Correctional Enterprises Program (the Program) to be granted an exemption from the Program's mandatory purchase provisions. Under current law, such department, institution, or agency is required to obtain the consent of both the Chief Executive Officer of the Program and the Director of the Division of Purchases and Supply. The bill provides that in any case where an exemption from the mandatory purchase provisions is not granted, the Chief Executive Officer of the Program shall provide a written justification for the denial to the department, institution, or agency that requested the exemption. Under current law, a written explanation is required any time an exemption is granted.

*Patron - Fowler*

**HB2213 Exchange of medical and mental health information and records of person committed to jail; local probation officers.** Adds local probation officers to the list of persons among whom the medical and mental health information and records of any person committed to jail, and transferred to another correctional facility, may be exchanged.

*Patron - Heretick*

**HB2270 Release of certain incarcerated aliens from jail; notice to Immigration and Customs Enforcement.** Requires that the sheriff, jail superintendent, or other official in charge of a local correctional facility or a regional jail in which an alien is incarcerated shall notify U.S. Immigration and Customs Enforcement of the release or discharge of the alien forthwith as soon as the release date is known. This bill was vetoed by the Governor.

*Patron - Poindexter*

**HB2499 DOC; policies to improve exchange of offender medical information.** Directs the Department of Corrections to develop policies to improve the exchange of offender medical and mental health information, including policies to improve access to electronic medical records by health care providers and electronic exchange of information for telemedicine and telepsychiatry and to report by October 1, 2019, on its progress in developing such policies to the Chairmen of the House Committee on Health, Welfare and Institutions, the Senate Committee on Education and Health, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century.

*Patron - Watts*

**HB2605 Community corrections alternative program; establishment.** Repeals the boot camp incarceration program, diversion center incarceration program, and detention center incarceration program established and maintained by the Department of Corrections and replaces them with the community corrections alternative program that will be established and maintained by the Department of Corrections for probationers and parolees whose identified risks and needs cannot be addressed by conventional probation or parole supervision. The program shall include components for providing access to counseling, substance abuse testing and treatment, remedial education, and career and occupational assessment; providing assistance in securing and maintaining employment; ensuring compliance with terms and conditions of probation or parole; ensuring restitution and performance of community service; payment of fines and costs of court; and providing

other programs that will assist the probationer or parolee in returning to society as a productive citizen.

*Patron - Ward*

**SB1273 Department of Corrections; health care continuous quality improvement committee.** Requires the Director of the Department of Corrections to establish a health care continuous quality improvement committee, consisting of the Director and specified health care professionals employed by the Department. The bill requires the committee to (i) identify appropriate criteria for evaluation of the quality of health care services provided by the Department, (ii) monitor and evaluate the quality of health care services provided by the Department utilizing the criteria identified, and (iii) develop strategies to improve the quality of health care services provided by the Department. The bill also requires the committee to publish quarterly continuous quality improvement reports setting forth such data and information as the committee deems appropriate on a website maintained by the Department. As introduced, this bill is a recommendation of the Joint Commission on Health Care. This bill is identical to HB 1917.

*Patron - Lucas*

**SB1598 Board of Corrections; minimum standards for health care services in local correctional facilities.** Authorizes the Board of Corrections (Board) to establish minimum standards for health care services in local, regional, and community correctional facilities and procedures for enforcing such minimum standards, with the advice of and guidance from the Commissioner of Behavioral Health and Developmental Services and State Health Commissioner. The bill provides that (i) such standards shall require that each local, regional, and community correctional facility submit a standardized quarterly continuous improvement report documenting the delivery of health care services, along with any improvements made to those services, to the Board and (ii) such reports shall be available to the public on the Board's website. The bill also authorizes the Board to determine that a local, regional, or community correctional facility accredited by the American Correctional Association or National Commission on Correctional Health Care meets such minimum standards solely on the basis of such accreditation; however, without exception, the requirement to submit standardized quarterly continuous quality improvement reports shall be a mandatory minimum standard. This bill is a recommendation of the Joint Commission on Health Care. This bill is identical to HB 1918.

*Patron - Dunnivant*

**SB1772 Restraint of pregnant offenders.** Requires the Board of Corrections to review its standards related to allowable restraint practices for pregnant prisoners to ensure that (i) pregnant prisoners are treated humanely and restrained in a manner that accounts for their specific health needs and (ii) such restraint procedures provide adequate protection for the safety of correctional staff and others who may be in close proximity to such prisoners.

*Patron - Saslaw*

**SB1777 Department of Corrections; restrictive housing; data collection and reporting; report.** Requires the Department of Corrections to report to the General Assembly and the Governor on or before October 1 of each year certain population statistics of persons incarcerated in state correctional institutions, including certain statistics regarding offenders placed in and released from restrictive housing and Shared Allied Management Units. This bill incorporates SB 1085 and SB 1140 and is identical to HB 1642.

*Patron - Saslaw*

## Failed

**HB1631 Virginia Retirement System; retired law-enforcement officers employed as school security officers.** Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer.

*Patron - Leftwich*

**HB1689 Parole; exception to limitation on the application of parole statutes.** Provides that a person is entitled to parole if (i) such person was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished, for a noncapital felony committed on or after the abolition of parole going into effect (on January 1, 1995) and (ii) the jury was not instructed on the abolition of parole.

*Patron - Lindsey*

**HB1694 Virginia Retirement System; E-911 dispatchers.** Adds E-911 dispatchers to the list of local employees eligible to receive enhanced retirement benefits similar to those provided to State Police officers. The bill provides that such benefits would be available only to dispatchers hired starting in 2020.

*Patron - Reid*

**HB1761 State correctional facilities; prohibition on procurement by public bodies of articles produced or manufactured and services provided by persons confined in state correctional facilities.** Prohibits articles produced or manufactured and services provided by persons confined in state correctional facilities from being purchased by (i) any department, institution, or agency of the Commonwealth that is supported in whole or in part with funds from the state treasury or (ii) any county, district of any county, city, or town or by any nonprofit organization, including volunteer emergency medical services agencies, fire departments, sheltered workshops, and community service organizations. Under current law, state departments, institutions, and agencies that are supported in whole or in part with funds from the state treasury are required to purchase such articles and services, and counties, districts of any county, cities, and towns, as well as any nonprofit organizations, are permitted to purchase such articles and services. The bill provides that such articles and services may be disposed of by the Director of the Department of Corrections only by sale or exchange on the open market. The bill contains technical amendments.

*Patron - Carter*

**HB1765 Virginia Retirement System; retired law-enforcement officers employed as school security officers.** Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer.

*Patron - Yancey*

**HB1800 Voting information for persons incarcerated in local correctional facilities.** Provides that the Board of Corrections shall make, adopt, and promulgate rules and regulations regarding the provision of information on absentee voting to all persons confined in a local correctional facility who may be eligible to vote and information on the process of

applying for a restoration of civil rights and of voting rights for those persons who have been convicted of a felony.

*Patron - Heretick*

**HB1824 Sick leave for state employees; certain disabled veterans.** Provides an additional 96 hours of sick leave to disabled veterans, defined in the bill as veterans with a disability rating by the U.S. Department of Veterans Affairs of at least 60 percent, available during the 12 months following such veteran's start or return to state employment after active duty or following a disability rating decision from the U.S. Department of Veterans Affairs, whichever is later. The bill provides that such additional sick leave shall be used only for the purpose of undergoing medical treatment for the service-related disability and would be provided only to those disabled veterans whose disability occurred on or after January 1, 2016.

*Patron - Reid*

**HB1857 Health insurance credits for retired school division employees.** Requires school divisions to provide a health insurance credit of \$4 per year of service to all retired members of local school divisions with at least 15 years of total creditable service. Currently, the \$4 per year of service health insurance credit is provided only to teachers, and non-teacher school division employees are eligible for a credit of \$1.50 per year of service, capped at \$45 per month, if the locality has elected such coverage. An enactment clause provides that this measure does not apply to any local school division employee who retired on disability prior to July 1, 2019, if this measure would reduce the monthly credit currently payable to such former member. Eligible employees who retired prior to July 1, 2019, but who did not receive a health insurance credit prior to that date will only receive the \$4 per year of service health insurance credit prospectively.

*Patron - McQuinn*

**HB1877 Adult education programs; year-round operation.** Requires year-round operation of adult education programs by local school divisions.

*Patron - Convors-Fowler*

**HB2024 Virginia Retirement System; retired law-enforcement officers employed as school security officers.** Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer.

*Patron - Murphy*

**HB2152 Virginia Retirement System; health insurance credits for retired state employees.** Increases annually the amount of the health insurance credit for retirees who rendered at least 30 years of creditable service in the Virginia Retirement System. The bill increases the credit by the same percentage as any annual post-retirement supplement that is calculated for employees hired on or after July 1, 2010.

*Patron - Ingram*

**HB2171 Virginia Retirement System; erroneous benefits estimate; adjustment for certain members.** Provides that certain members of the Virginia Retirement System who retire early, if such members relied on an erroneously high estimate of benefits in their decision to retire, shall receive payments at the estimated amount. The bill provides that the benefits adjustment would apply to any member who received an erroneous estimate on or after January 1, 2017; however, the adjustment would apply only to payments made on and after July 1, 2019.

*Patron - Brewer*

**HB2172 Conditional release of geriatric prisoners; exceptions.** Prohibits persons serving a sentence imposed upon a conviction of murder in the first degree, abduction with the intent to defile, abduction of any child under 16 for the purpose of concubinage or prostitution, abduction of any minor for the purpose of manufacturing child pornography, rape, forcible sodomy, object sexual penetration, aggravated sexual battery, crimes against nature involving family members, adultery or fornication involving family members, or taking indecent liberties with a child or a conviction of the production, publication, sale, or financing of child pornography from petitioning the Parole Board for conditional release, under current law, when such persons reach age 65 and have served at least five years of their sentence or reach age 60 and have served at least 10 years of their sentence.

*Patron - Miyares*

**HB2461 Conditional release of geriatric, terminally ill, or permanently physically disabled prisoners.** Provides that any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who is terminally ill as defined in the bill or who is permanently physically disabled as defined in the bill is eligible for consideration by the Parole Board for conditional release. The bill also provides that any person serving such sentence (i) who is 65 or older and has served at least five years of the sentence imposed or (ii) who is 60 or older and has served at least 10 years of the sentence imposed is eligible for consideration by the Parole Board for conditional release without the need to petition the Parole Board.

*Patron - Sickles*

**HB2481 Virginia Retirement System; authorize localities to opt out of group insurance program.** Authorizes a locality that participates in the Virginia Retirement System to opt out of the group insurance program and instead establish, either by self-funding or purchasing insurance, local life insurance coverage or accidental death and dismemberment insurance. Under current law, if a locality participates in the group insurance program, it is prohibited from withdrawing.

*Patron - McNamara*

**HB2629 Corrections Private Management Act; unauthorized private contracts; management or operation of prison facilities.** Removes the authority of the Director of the Department of Corrections to enter into contracts with prison contractors for the operation of prison facilities, including management, custody of inmates, and provision of security. The bill does not affect the Director's authority to enter into contracts with prison contractors for other correctional services, including the following: (i) food services, commissary, medical services, transportation, or sanitation; (ii) development and implementation assistance for classification, management information systems, or other information systems or services; (iii) education, training, and employment programs; (iv) recreational, religious, and other activities; (v) counseling, special treatment programs, or other programs for special needs; or (vi) financing, site selection, acquisition, construction, maintenance, or leasing. The bill provides that the Department of Corrections shall have the Lawrenceville Correctional Center in compliance with the provisions of the act by July 1, 2020.

*Patron - Guzman*

**HB2785 Virginia Retirement System; retired law-enforcement officers employed as school security officers.** Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security

officer. The provisions of the bill are contingent on funding in a general appropriations act.

*Patron - Gilbert*

**SB1023 Virginia Retirement System; retired law-enforcement officers employed as school security officers.** Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer. The provisions of the bill are contingent on funding in a general appropriations act. The bill incorporates SB 1203 and SB 1582.

*Patron - Cosgrove*

**SB1032 Virginia Law Officers' Retirement System; retirement age.** Changes the age through which a retired law-enforcement officer covered under the Virginia Law Officers' Retirement System is entitled to receive an additional retirement allowance from the law-enforcement officer's sixty-fifth birthday to retirement age as defined by the Social Security Act. This change aligns the additional allowance with that currently provided under the State Police Officers' Retirement System.

*Patron - Stanley*

**SB1040 Compensation of local jails for cost of incarceration.** Provides for local jails to be compensated for the actual cost of incarcerating convicted felons at the rate calculated in the Compensation Board's annual jail cost report. Current law provides for jails to be compensated for the cost of incarceration of convicted felons as provided for in the general appropriation act. The provisions of the bill are contingent on funding in a general appropriations act.

*Patron - Peake*

**SB1053 Juvenile offenders; parole.** Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentence, and any person who has active sentences that total more than 25 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentences, shall be eligible for parole.

*Patron - Marsden*

**SB1081 Juvenile offenders; sentencing; geriatric parole.** Provides that for any juvenile felony a circuit court may consider a juvenile's diminished culpability and heightened capacity for change in determining the particular sentence to be imposed. The bill allows the Parole Board to consider a petitioner's demonstrated maturity and rehabilitation and the lesser culpability of juvenile offenders in reviewing a petition for geriatric release when submitted by a person serving a sentence imposed on a juvenile for an offense that would be a crime if committed by an adult.

*Patron - Marsden*

**SB1085 Restrictive housing; data collection and reporting; report.** Requires the Department of Corrections to submit an annual report to the General Assembly and the Governor containing specified statistical information regarding the Department's use of restrictive housing, as defined in the bill. This bill was incorporated into SB 1777.

*Patron - Marsden*

**SB1122 Virginia Retirement System; health insurance credits for retired state employees.** Increases annually the amount of the health insurance credit for retirees who rendered at least 30 years of creditable service in the Vir-

ginia Retirement System. The bill increases the credit by the same percentage as any annual post-retirement supplement that is calculated for employees hired on or after July 1, 2010. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Ruff*

**SB1140 Solitary confinement; data collection and reporting; report.** Requires the Department of Corrections to submit an annual report to the General Assembly and the Governor containing specified statistical information regarding the Department's use of solitary confinement, as defined in the bill. This bill was incorporated into SB 1777.

*Patron - Favola*

**SB1202 Voting information for persons incarcerated in local correctional facilities.** Provides that the Board of Corrections shall make, adopt, and promulgate rules and regulations regarding the provision of information on absentee voting to all persons confined in a local correctional facility who may be eligible to vote and information on the process of applying for a restoration of civil rights and of voting rights for those persons who have been convicted of a felony.

*Patron - Lucas*

**SB1203 Virginia Retirement System; retired law-enforcement officers employed as school security officers.** Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer. The bill was incorporated into SB 1023.

*Patron - Stuart*

**SB1332 Virginia Retirement System; health insurance credits for retired state employees.** Increases annually the amount of the health insurance credit for (i) retirees who rendered at least 30 years of creditable service in the Virginia Retirement System and (ii) employees and retirees who are receiving state disability benefits. The bill increases the credit by the same percentage as any annual post-retirement supplement that is calculated for employees hired on or after July 1, 2010.

*Patron - Ruff*

**SB1384 Virginia Retirement System; increased retirement allowance for judges.** Increases by five percent the retirement allowance for judges for service earned on and after their fifty-fifth birthday. The bill provides that the increase applies only to judges who retire on or after July 1, 2019.

*Patron - McDougle*

**SB1391 Juvenile offenders; parole.** Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentence, and any person who has active sentences that total more than 25 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentences, shall be eligible for parole.

*Patron - Wagner*

**SB1437 Parole; exception to limitation on the application of parole statutes; investigations and reports by probation officers.** Provides that a person is entitled to parole who was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished,

for a noncapital felony committed after the time that the abolition of parole went into effect (January 1, 1995). The bill also allows a presentence report to be made available for review without a court order to incarcerated persons who are eligible for release by the Virginia Parole Board, or to such person's counsel.

*Patron - McClellan*

**SB1480 Virginia Law Officers' Retirement System; conservation officers.** Adds conservation officers of the Department of Conservation and Recreation as members of the Virginia Law Officers' Retirement System. The bill makes conservation officers eligible to accrue retirement benefits under the Virginia Law Officers' Retirement System only for creditable service on and after July 1, 2019. The provisions of the bill are contingent on funding in a general appropriations act.

*Patron - Deeds*

**SB1498 Board of Juvenile Justice; regulations governing the housing of youth pursuant to contracts with the federal government.** Requires the Board of Juvenile Justice to promulgate regulations governing the housing of youth who are detained in a juvenile correctional facility pursuant to a contract with the federal government and not committed to such juvenile correctional facility by a court of the Commonwealth.

*Patron - Ebbin*

**SB1582 Virginia Retirement System; retired law-enforcement officers employed as school security officers.** Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer. The bill was incorporated into SB 1023.

*Patron - Suetterlein*

**SB1742 Participation in the state retiree health benefits program.** Creates an exception to the law that if a state retiree elects to participate in the state retiree health plan, but later discontinues participation, he is barred from future participation. The bill would allow a state retiree to discontinue participation, but later return to the plan, if the discontinuation was due to employment with the federal government and participation in a federal employee health benefit program.

*Patron - McDougle*

**SB1786 Conditional release of terminally ill prisoners.** Makes eligible for consideration by the Parole Board for conditional release any person who is terminally ill and is serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony.

*Patron - Saslaw*

## Professions and Occupations

### Passed

**HB1743 Pharmacist; counseling for new prescriptions; disposal of medicine.** Allows a pharmacist to include information regarding the proper disposal of medicine when giving counsel to a person who presents a new prescription for filling. This bill is identical to SB 1405.

*Patron - Bulova*

**HB1773 Definition of pawnbrokers.** Amends the definition of "pawnbroker" to only include natural persons. Under current law, a person, defined to include corporations,

partnerships, associations, cooperatives, limited liability companies, trusts, joint ventures, governments, political subdivisions, or any other legal or commercial entities and any successor, representative, agent, agency, or instrumentality thereof, may become a licensed pawnbroker. The bill provides that counties, cities, or towns may choose to extend the license of a pawnbroker who is not a natural person for a period of up to one year.

*Patron - Mullin*

**HB1774 Pawning goods; unexpired government-issued identification card required.** Requires the government-issued identification card presented by a person pawning, pledging, or selling goods or selling precious metals or gems to be unexpired and to bear the person's current legal address. If the government-issued identification card does not bear the current legal address, the bill requires the pawnor or seller to present other documentation to verify his current legal address.

*Patron - Mullin*

**HB1803 Controlled substances; Schedules I and II.** Adds certain chemicals to Schedule I and Schedule II of the Controlled Substances Act.

*Patron - Garrett*

**HB1828 Funeral services; sale of caskets.** Prohibits any person except a licensed funeral service establishment or funeral service licensee from offering for sale or selling a casket when preneed arrangements for funeral services are being made, including preneed funeral contracts and preneed funeral planning. The bill provides that the requirement that a funeral service licensee accept a casket provided by a third party applies only in cases in which funeral arrangements are made at-need. This bill is identical to SB 1247.

*Patron - Orrock*

**HB1841 Pharmaceutical processors; employment; misdemeanors.** Allows pharmaceutical processors to employ or permit to act as an agent of such pharmaceutical processor persons who have been convicted of certain drug and drug paraphernalia misdemeanors, except in cases where such conviction occurred within the last five years. The bill also requires that pharmaceutical processors adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

*Patron - Marshall*

**HB1848 Department of Health Professions; disclosure of investigative information.** Allows the Department of Health Professions and health regulatory boards to disclose otherwise confidential information related to disciplinary hearings to the Virginia Department of Education and the State Council of Higher Education for Virginia if such information relates to nursing or nurse aide education programs regulated by the Board of Nursing.

*Patron - Adams, D.M.*

**HB1849 Practice of dental hygiene; remote supervision; employment or supervision by Department of Behavioral Health and Developmental Services; report.** Allows a dental hygienist employed by the Department of Behavioral Health and Developmental Services (the Department) to practice under the remote supervision of a dentist employed by the Department or the Department of Health. Under current law, only a dental hygienist or dentist employed by the Virginia Department of Health may practice or supervise remotely. The bill also adds mobile dentistry programs operated by the Department for adults with developmental disabilities to the list of locations where a dental hygienist may

practice under the remote supervision of a licensed dentist and directs the Department to annually submit a report of services provided by such dental hygienists to the Secretary of Health and Human Resources. The bill directs the Board of Dentistry to adopt emergency regulations to implement the provisions of the bill.

*Patron - Adams, D.M.*

**HB1878 Possession and administration of naloxone; regional jail employees.** Adds employees of regional jails to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program.

*Patron - Garrett*

**HB1914 Requirements for issuing prescriptions; exceptions for public health practitioners.** Authorizes practitioners contracted by the Department of Health and practitioners employed or contracted by a local health department to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required. Under current law, only employees of the Department of Health are so authorized. Additionally, the bill authorizes a practitioner, who is an employee of or contracted by the Department of Health or a local health department, to prescribe Schedule VI antibiotics and antiviral agents to other persons in close contact with a diagnosed patient without a bona-fide practitioner-patient relationship with the diagnosed patient when emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.

*Patron - Herring*

**HB1939 Department of Professional and Occupational Regulation; adjustment of fees by regulatory boards; distribution of excess fees to regulants.** Provides that following the close of any biennium, when the account for any regulatory board within the Department of Professional and Occupational Regulation shows that unspent and unencumbered revenue exceeds \$100,000 or 20 percent of the total expenses allocated to the regulatory board for the past biennium, whichever is greater, the regulatory board must (i) distribute all such excess revenue to current regulants and (ii) reduce the fees levied by it for certification, licensure, registration, or permit and renewal thereof so that the fees are sufficient but not excessive to cover expenses. Under current law, these boards are required to adjust their fees when their account shows expenses allocated to it for the past biennium to be more than 10 percent greater or less than moneys collected on behalf of the board. Current law does not require the boards to distribute excess funds to regulants. The bill has a delayed effective date of July 1, 2022.

*Patron - Webert*

**HB1952 Patient care team podiatrist definition; physician assistant supervision requirements.** Establishes the role of "patient care team podiatrist" as a provider of management and leadership to physician assistants in the care of patients as part of a patient care team. The bill modifies the supervision requirements for physician assistants by establishing a patient care team model. The bill directs the Board of Medicine to adopt emergency regulations to implement the provisions of the bill and is identical to SB 1209.

*Patron - Campbell, J.L.*

**HB1971 Health professions and facilities; adverse action in another jurisdiction.** Provides that the mandatory suspension of a license, certificate, or registration of a health professional by the Director of the Department of Health Professions is not required when the license, certificate,

or registration of a health professional is revoked, suspended, or surrendered in another jurisdiction based on disciplinary action or mandatory suspension in the Commonwealth. The bill extends the time by which the Board of Pharmacy (Board) is required to hold a hearing after receiving an application for reinstatement from a nonresident pharmacy whose registration has been suspended by the Board based on revocation or suspension in another jurisdiction from not later than its next regular meeting after the expiration of 30 days from receipt of the reinstatement application to not later than its next regular meeting after the expiration of 60 days from receipt of the reinstatement application.

*Patron - Stolle*

**HB2028** **Legislation increasing or beginning regulation of an occupation; evaluation required.** Provides that when any legislative bill requiring the Department of Professional and Occupational Regulation to increase or begin regulation of an occupation is filed during any session of the General Assembly, the Board for Professional and Occupational Regulation shall prepare an evaluation of the legislation using criteria outlined in current law that the Board is required to use whenever the Board determines that a particular occupation should be regulated or that a different degree of regulation should be imposed on a currently regulated occupation.

*Patron - Campbell, R.R.*

**HB2129** **Board of Nursing; application for license or certification; military spouse; expedited review.** Requires that the Board of Nursing expedite application processing, to the extent possible, pursuant to current law in cases in which an applicant for licensure or certification is licensed or certified in another state and is relocated to the Commonwealth pursuant to a spouse's official military orders.

*Patron - Guzman*

**HB2158** **Dispensing of naloxone.** Expands the list of individuals who may dispense naloxone pursuant to a standing order to include health care providers providing services in hospital emergency departments and emergency medical services personnel and eliminates certain requirements. The bill establishes requirements for the dispensing of naloxone in an injectable formulation with a hypodermic needle or syringe. The bill also allows a person who dispenses naloxone on behalf of an organization to charge a fee for the dispensing of naloxone, provided that the fee is no greater than the cost to the organization of obtaining the naloxone dispensed.

*Patron - Plum*

**HB2169** **Physician assistants; licensure by endorsement.** Authorizes the Board of Medicine to issue a license by endorsement to an applicant for licensure as a physician assistant who (i) is the spouse of an active duty member of the Armed Forces of the United States or the Commonwealth, (ii) holds current certification from the National Commission on Certification of Physician Assistants, and (iii) holds a license as a physician assistant that is in good standing, or that is eligible for reinstatement if lapsed, under the laws of another state.

*Patron - Thomas*

**HB2184** **Volunteer dentists and dental hygienists.** Removes certain requirements for dentists and dental hygienists volunteering to provide free health care for up to three consecutive days to an underserved area of the Commonwealth under the auspices of a publicly supported nonprofit organization that sponsors the provision of health care to populations of underserved people.

*Patron - Kilgore*

**HB2228** **Composition of the Boards of Nursing and Psychology; health regulatory boards; staggered terms.** Alters the composition of the Board of Nursing and replaces the requirement that the Board of Nursing meet each January with the requirement that it meet at least annually. The bill also removes specific officer titles from the requirement that the Board of Nursing elect officers from its membership. The bill replaces the requirement that a member of the Board of Psychology be licensed as an applied psychologist with the requirement that that position be filled by a member who is licensed in any category of psychology. The bill also provides a mechanism for evenly staggering the terms of members of the following health regulatory boards, without affecting the terms of current members: Board of Nursing, Board of Psychology, Board of Dentistry, Board of Long-Term Care Administrators, Board of Medicine, Board of Veterinary Medicine, Board of Audiology and Speech-Language Pathology, Board of Pharmacy, and Board of Counseling.

*Patron - Bagby*

**HB2247** **Board of Optometry; membership.** Adds to the requirements for the five licensed optometrist members of the Board of Optometry that they be individuals who at the time of appointment (i) have met all requirements for practice as an optometrist and are qualified to engage in the full scope of the practice of optometry and (ii) are actively engaged in the delivery of clinical care to patients.

*Patron - Robinson*

**HB2282** **Issuance of temporary licenses; individuals engaged in counseling residency.** Directs the Board of Counseling to promulgate emergency regulations for the issuance of temporary licenses to individuals engaged in a counseling residency so that they may acquire the supervised, postgraduate experience required for licensure.

*Patron - Filler-Corn*

**HB2318** **Possession and administration of naloxone; school nurses; local health department employees.** Adds school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and school board, and other school board employees or individuals contracted by a school board to provide school health services to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program.

*Patron - McGuire*

**HB2327** **Department of Professional and Occupational Regulation; unlicensed practice; cease and desist notices.** Permits the Director of the Department of Professional and Occupational Regulation, or his designee, to issue a notice to any person unlawfully engaging in unlicensed practice of an occupation to cease and desist such activity.

*Patron - McNamara*

**HB2352** **Real Estate Board; real estate licenses.** Clarifies that the Real Estate Board (the Board) may establish criteria delineating the permitted activities of unlicensed individuals employed by, or affiliated as an independent contractor with, real estate licensees or under the supervision of a real estate broker. Current law only permits the Board to establish such criteria for unlicensed individuals employed by or under the supervision of a real estate broker. The bill also specifies that a real estate team may hire one or more unlicensed assistants as an employee or an independent contractor. Current law does not specify the method by which real estate teams may hire independent contractors. Finally, the bill permits an independent contractor affiliated with a disabled or deceased bro-

ker to carry on the business of the disabled or deceased broker for 180 days following the death or disability of the broker solely for the purpose of concluding the business of the deceased or disabled broker under certain circumstances. The bill contains a technical amendment and is identical to SB 1061.

*Patron - Miyares*

**HB2457 Practitioners of medicine, osteopathy, podiatry, or chiropractic; retiree license.** Provides that the Board of Medicine may issue a retiree license to any doctor of medicine, osteopathy, podiatry, or chiropractic who holds an active, unrestricted license to practice in the Commonwealth upon receipt of a request and submission of the required fee. The bill provides that a person to whom a retiree license has been issued shall not be required to meet continuing competency requirements for the first biennial renewal of such license. The bill also provides that a person to whom a retiree license has been issued shall only engage in the practice of medicine, osteopathy, podiatry, or chiropractic for the purpose of providing charity care or health care services to patients in their residence for whom travel is a barrier to receiving health care.

*Patron - Landes*

**HB2493 Administration of topical drugs; dental hygienists, physician assistants, and nurses.** Authorizes a dental hygienist practicing under remote supervision to administer topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry. Under current law, a dental hygienist must be practicing under general supervision to do so. Additionally, the bill authorizes a physician assistant, nurse, or dental hygienist to possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol. Under current law, such possession and administration is limited to administration to children aged six months to three years and is required to conform to standards adopted by the Department of Health.

*Patron - Tran*

**HB2556 Department of Health Professions and health regulatory boards; information obtained in an investigation or disciplinary proceeding; authorized disclosures.** Provides that provisions protecting the confidentiality of information obtained during an investigation or disciplinary hearing do not prohibit the disclosure of information about a suspected violation of state or federal law or regulation to state law enforcement. Under current law, such disclosure is authorized only to agencies within the Health and Human Resources Secretariat or to federal law-enforcement agencies. The bill also provides that investigative staff of agencies to which disclosure is authorized are not prohibited from interviewing fact witnesses, disclosing to fact witnesses the identity of the subject of the complaint or report, or reviewing with fact witnesses any portion of records or other supporting documentation necessary to refresh the fact witnesses' recollection.

*Patron - Plum*

**HB2557 Drug Control Act; Schedule V; gabapentin.** Classifies gabapentin as a Schedule V controlled substance. Current law lists gabapentin as a drug of concern. The bill also removes the list of drugs of concern from the Code of Virginia and provides that any wholesale drug distributor licensed and regulated by the Board of Pharmacy and registered with and regulated by the U.S. Drug Enforcement Administration shall have until July 1, 2020, or within six months of final approval of compliance from the Board of Pharmacy and the U.S. Drug Enforcement Administration,

whichever is earlier, to comply with storage requirements for Schedule V controlled substances containing gabapentin.

*Patron - Pillion*

**HB2558 Medicaid recipients; treatment involving opioids or opioid replacements; payment.** Prohibits health care providers licensed by the Board of Medicine from requesting or requiring a patient who is a recipient of medical assistance services pursuant to the state plan for medical assistance to pay out-of-pocket costs associated with the provision of service involving (i) the prescription of an opioid for the management of pain or (ii) the prescription of buprenorphine-containing products, methadone, or other opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration for medication-assisted treatment of opioid addiction. The bill requires providers who do not accept payment from the Department of Medical Assistance Services (DMAS) who provide such services to patients participating in the Commonwealth's program of medical assistance services to provide written notice to such patient that (a) the Commonwealth's program of medical assistance services covers such health care services and DMAS will pay for such health care services if such health care services meet DMAS's medical necessity criteria and (b) the provider does not participate in the Commonwealth's program of medical assistance and will not accept payment from DMAS for such health care services. Such notice and the patient's acknowledgement of such notice shall be documented in the patient's medical record. This bill is identical to SB 1167.

*Patron - Pillion*

**HB2559 Electronic transmission of certain prescriptions; exceptions.** Provides certain exceptions, effective July 1, 2020, to the requirement that any prescription for a controlled substance that contains an opioid be issued as an electronic prescription. The bill requires the licensing health regulatory board of a prescriber to grant such prescriber a waiver of the electronic prescription requirement for a period not to exceed one year due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances demonstrated by the prescriber. The bill provides that a dispenser is not required to verify whether one of the exceptions applies when he receives a non-electronic prescription for a controlled substance containing an opioid. The bill requires the Boards of Medicine, Nursing, Dentistry, and Optometry to promulgate regulations to implement the prescriber waivers. Finally, the bill requires the Secretary of Health and Human Resources to convene a work group to identify successes and challenges of the electronic prescription requirement and offer possible recommendations for increasing the electronic prescribing of controlled substances that contain an opioid and to report to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022.

*Patron - Pillion*

**HB2693 Qualified mental health professionals.** Requires the Board of Counseling to promulgate regulations for the registration of persons receiving supervised training in order to qualify as a qualified mental health professional. The bill defines the terms "qualified mental health professional-adult," "qualified mental health professional-child," and "qualified mental health professional-trainee." This bill is identical to SB 1694.

*Patron - Price*

**HB2731 Lyme disease; disclosure of information to patients.** Requires every laboratory reporting the results of a test for Lyme disease ordered by a health care provider in an

office-based setting to include, together with the results of such test provided to the health care provider, a notice stating that the results of Lyme disease tests may vary and may produce results that are inaccurate and that a patient may not be able to rely on a positive or negative result from such test. Such notice shall also include a statement that health care providers are encouraged to discuss Lyme disease test results with the patient for whom the test was ordered. The bill also provides that a laboratory that complies with the provisions of the bill shall be immune from civil liability absent gross negligence or willful misconduct.

*Patron - Edmunds*

**SB1061 Real Estate Board; real estate licenses.** Clarifies that the Real Estate Board (the Board) may establish criteria delineating the permitted activities of unlicensed individuals employed by, or affiliated as an independent contractor with, real estate licensees or under the supervision of a real estate broker. Current law only permits the Board to establish such criteria for unlicensed individuals employed by or under the supervision of a real estate broker. The bill also specifies that a real estate team may hire one or more unlicensed assistants as an employee or an independent contractor. Current law does not specify the method by which real estate teams may hire independent contractors. Finally, the bill permits an independent contractor affiliated with a disabled or deceased broker to carry on the business of the disabled or deceased broker for 180 days following the death or disability of the broker solely for the purpose of concluding the business of the deceased or disabled broker under certain circumstances. The bill contains a technical amendment and is identical to HB 2352.

*Patron - Mason*

**SB1106 Licensure of physical therapists and physical therapist assistants; Physical Therapy Licensure Compact.** Authorizes Virginia to become a signatory to the Physical Therapy Licensure Compact. The Compact permits eligible licensed physical therapists and physical therapist assistants to practice in Compact member states, provided they are licensed in at least one member state. In addition, the bill requires each applicant for licensure in the Commonwealth as a physical therapist or physical therapist assistant to submit fingerprints and provide personal descriptive information in order for the Board to receive a state and federal criminal history record report for each applicant. The bill has a delayed effective date of January 1, 2020, and directs the Board of Physical Therapy to adopt emergency regulations to implement the provisions of the bill.

*Patron - Peake*

**SB1167 Medicaid recipients; treatment involving opioids or opioid replacements; payment.** Prohibits health care providers licensed by the Board of Medicine from requesting or requiring a patient who is a recipient of medical assistance services pursuant to the state plan for medical assistance to pay out-of-pocket costs associated with the provision of service involving (i) the prescription of an opioid for the management of pain or (ii) the prescription of buprenorphine-containing products, methadone, or other opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration for medication-assisted treatment of opioid addiction. The bill requires providers who do not accept payment from the Department of Medical Assistance Services (DMAS) who provide such services to patients participating in the Commonwealth's program of medical assistance services to provide written notice to such patient that (a) the Commonwealth's program of medical assistance services covers such health care services and DMAS will pay for such health care services if such health care services meet DMAS's

medical necessity criteria and (b) the provider does not participate in the Commonwealth's program of medical assistance and will not accept payment from DMAS for such health care services. Such notice and the patient's acknowledgement of such notice shall be documented in the patient's medical record. This bill is identical to HB 2558.

*Patron - Chafin*

**SB1209 Patient care team podiatrist definition; physician assistant supervision requirements.** Establishes the role of "patient care team podiatrist" as a provider of management and leadership to physician assistants in the care of patients as part of a patient care team. The bill modifies the supervision requirements for physician assistants by establishing a patient care team model. The bill directs the Board of Medicine to adopt emergency regulations to implement the provisions of the bill and is identical to HB 1952.

*Patron - Peake*

**SB1219 Department of Professional and Occupational Regulation; Board for Contractors; alternate designated employee.** Directs the Board for Contractors (Board) to revise Board regulations to allow multiple individuals from a single firm to sit for the business examination required to be confirmed as the firm's designated employee. The bill also directs the Board to review current regulations and procedures pertaining to the time allowed for a change of the designated employee to determine if the current time for replacement is sufficient and practicable.

*Patron - Newman*

**SB1247 Funeral services; sale of caskets.** Prohibits any person except a licensed funeral service establishment or funeral service licensee from offering for sale or selling a casket when preneed arrangements for funeral services are being made, including preneed funeral contracts and preneed funeral planning. The bill provides that the requirement that a funeral service licensee accept a casket provided by a third party applies only in cases in which funeral arrangements are made at-need. This bill is identical to HB 1828.

*Patron - Reeves*

**SB1289 Board of Pharmacy; seizure of controlled substances and prescription devices.** Establishes a process by which the Board of Pharmacy, an authorized agent of the Board, or law enforcement can seize and place under seal controlled substances and prescription devices that are owned or possessed by a person or entity when the registration, license, permit, or certificate authorizing such ownership or possession is suspended or revoked. The bill also provides procedures and requirements for the transfer and disposal of sealed controlled substances and prescription devices if subject to forfeiture. The bill provides that the period in which the Director of the Department of Health Professions, his authorized agent, or a law-enforcement officer may properly dispose of the seized drugs and devices in the event the owner has not claimed and provided for the proper disposition of the property is 60 days from notice of seizure. Under current law, such period is six months from notice of seizure.

*Patron - Edwards*

**SB1300 Funeral establishments; full-time manager requirement; exception; number of calls.** Provides that the Board of Funeral Services may grant a hardship waiver from the requirement that each licensed funeral service establishment have a person licensed for the practice of funeral services or a licensed funeral director in charge, full time, allowing for the operation of two establishments by a single full-time funeral service licensee or funeral director if the combined average number of funeral calls at the two establish-

ments over the previous three years is no more than 135 calls per year and the distance between the two establishments is 50 miles or less. Currently, the Board may grant the exception if the combined average number of annual calls at the two establishments is no more than 85 per year.

*Patron - Edwards*

**SB1405 Pharmacist; counseling for new prescriptions; disposal of medicine.** Allows a pharmacist to include information regarding the proper disposal of medicine when giving counsel to a person who presents a new prescription for filling. This bill is identical to HB 1743.

*Patron - Dance*

**SB1516 Department of Corrections; disclosure of information; delivery of controlled substances to prisoners.** Requires the Director of the Department of Health Professions, upon receiving a request for information, to disclose to an investigator for the Department of Corrections who has completed the Virginia State Police Drug Diversion School and who has been designated by the Director of the Department of Corrections information relevant to a specific investigation of a specific individual into a possible unlawful delivery of a controlled substance.

*Patron - Carrico*

**SB1547 Music therapy.** Directs the Board of Health Professions to evaluate whether music therapists and the practice of music therapy should be regulated and the degree of regulation to be imposed. The bill requires the Board to report the results of its evaluation to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2019.

*Patron - Vogel*

**SB1557 Board of Pharmacy; cannabidiol oil and tetrahydrocannabinol oil; regulation of pharmaceutical processors.** Authorizes licensed physician assistants and licensed nurse practitioners to issue a written certification for use of cannabidiol oil and THC-A oil. The bill requires the Board to promulgate regulations establishing dosage limitations, which shall require that each dispensed dose of cannabidiol oil or THC-A oil not exceed 10 milligrams of tetrahydrocannabinol. The bill requires the Secretary of Health and Human Resources and the Secretary of Agriculture and Forestry to convene a work group to review and recommend an appropriate structure for an oversight organization in Virginia and report its findings and recommendations to the Chairmen of the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health and the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions by November 1, 2019.

*Patron - Dunnivant*

**SB1653 Prescription Monitoring Program; veterinarians.** Exempts the dispensing of feline buprenorphine or canine butorphanol from the requirement that the dispensing veterinarian report certain information about the animal and the owner of the animal to the Prescription Monitoring Program. The bill also requires that every veterinary establishment licensed by the Board of Veterinary Medicine maintain records of the dispensing of feline buprenorphine and canine butorphanol, reconcile such records monthly, and make such records available for inspection upon request.

*Patron - Stanley*

**SB1694 Qualified mental health professionals.** Requires the Board of Counseling to promulgate regulations for the registration of persons receiving supervised training in

order to qualify as a qualified mental health professional. The bill defines the terms "qualified mental health professional-adult," "qualified mental health professional-child," and "qualified mental health professional-trainee." This bill is identical to HB 2693.

*Patron - Barker*

**SB1719 Cannabidiol oil and THC-A oil; registered agents and pharmaceutical processors.** Authorizes a patient or, if such patient is a minor or an incapacitated adult, such patient's parent or legal guardian to designate an individual to act as his registered agent for the purposes of receiving cannabidiol oil or THC-A oil pursuant to a valid written certification. Such designated individual is required register with the Board of Pharmacy (Board). The bill authorizes the Board to set a limit on the number patients for whom any individual is authorized to act as a registered agent. The bill authorizes a pharmaceutical processor to dispense cannabidiol oil or THC-A oil to such registered agent and provides such registered agent an affirmative defense for possession of cannabidiol oil or THC-A oil.

The bill authorizes a pharmaceutical processor, in addition to other employees authorized by the Board, to employ individuals (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in horticulture or a certification recognized by the Board or who has at least two years of experience cultivating plants and (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants.

The bill directs the Board to promulgate regulations regarding the wholesale distribution of and transfer of cannabidiol oil or THC-A oil between pharmaceutical processors and removes a requirement that a pharmaceutical processor only dispense cannabidiol oil or THC-A oil cultivated and produced on-site. The bill provides that a pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

The bill provides that the concentration of tetrahydrocannabinol in any THC-A oil on site at a pharmaceutical processor may be up to 10 percent greater than or less than the level of tetrahydrocannabinol measured for labeling. Finally, the bill requires the Board of Pharmacy to promulgate regulations to implement the provisions of the bill within 280 days of its enactment.

*Patron - Marsden*

**SB1751 Department of Professional and Occupational Regulation.** Permits the Director of DPOR, or his designee, to issue a notice to any person unlawfully engaging in unlicensed practice of an occupation to cease and desist such activity. The bill also provides that following the close of any biennium, when the account for any regulatory board within the Department of Professional and Occupational Regulation shows that unspent and unencumbered revenue exceeds 20 percent or \$100,000 of the total expenses allocated to the regulatory board for the past biennium, whichever is greater, the regulatory board must (i) distribute all such excess revenue to current regulants of the board and (ii) reduce the fees levied by it for certification, licensure, registration, or permit and renewal thereof so that the fees are sufficient but not excessive to cover expenses. Under current law, these boards are required to adjust their fees when their account shows expenses allocated to it for the past biennium to be more than 10 percent greater or less than moneys collected on behalf of the board. Current law does not require the boards to distribute excess funds to regulants. The provisions of the bill requiring the dis-

tribution of excess revenue and the reduction of fees have a delayed effective date of July 1, 2022.

*Patron - Ruff*

**SB1774 Board for Contractors; requirements for licensure; certification of automatic fire sprinkler inspectors.** Creates the classification of fire sprinkler contractor for the purpose of licensure by the Board for Contractors (the Board). The bill also creates a certification for automatic fire sprinkler inspectors and prohibits any person from conducting inspections of automatic fire sprinkler systems unless he maintains or is accompanied by a person who maintains a Level II or higher NICET certification. The bill requires the Board to promulgate regulations requiring continuing education and knowledge of the Statewide Fire Prevention Code as prerequisites for certification renewal as an automatic fire sprinkler inspector. The provisions of the bill mandating NICET certification have a delayed effective date of July 1, 2021.

*Patron - Edwards*

## Failed

**HB1745 Juvenile offenders; parole.** Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentence, and any person who has active sentences that total more than 25 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentences, shall be eligible for parole.

*Patron - Lindsey*

**HB1876 Board for Barbers and Cosmetology; license by endorsement; issuance of licenses to spouses of military service members.** Requires the Board for Barbers and Cosmetology (the Board) to issue a license to practice as a barber, cosmetologist, nail technician, or wax technician to any applicant who holds a similar license or certification issued by another state, provided that (i) the license or certificate is valid, (ii) the applicant is in good standing with the regulatory entity that issued the license or certification, and (iii) either (a) the training and examination requirements for such license or certificate are comparable to the training and examination requirements prescribed by the Board or (b) the applicant possesses at least five years of experience working in a licensed barbershop, cosmetology salon, nail salon, or waxing salon, as applicable. Additionally, the bill requires the Board to issue a license to practice as a barber, cosmetologist, nail technician, or wax technician to any applicant whose spouse is the subject of a military transfer to the Commonwealth, who accompanies the applicant's spouse to Virginia, and who holds a similar license or certification issued by another state, provided that the license or certificate is valid and the applicant is in good standing with the regulatory entity that issued the license or certification. The bill provides that any such applicants shall not be required to complete any additional training or examination requirements to be issued a license by the Board and that reciprocity with another state from which such applicants hold licenses or certifications is not required.

*Patron - Convirs-Fowler*

**HB1910 Drug paraphernalia and controlled paraphernalia; fentanyl testing products.** Clarifies that narcotic testing products used to determine whether a controlled substance contains fentanyl are not drug paraphernalia or controlled paraphernalia.

*Patron - Gooditis*

**HB1931 Practice of athletic training; definition.** Amends the definition of "practice of athletic training" to make clear that the practice of athletic training includes the prevention, recognition, evaluation, and treatment of injuries or conditions related to occupational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility immediately upon onset of such injury or condition. Currently, "practice of athletic training" includes prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activities that require physical skill and utilize strength, power, endurance, speed, flexibility, range of motion or agility, or substantially similar injuries or conditions resulting from occupational activity, immediately upon onset of such injury or condition.

*Patron - Bell, Richard P.*

**HB1990 Barbers and cosmetologists; exemptions; threading.** Exempts persons whose activities are confined solely to removing unwanted hair by the use of string or thread from being required to obtain an occupational license.

*Patron - Convirs-Fowler*

**HB2082 Definition of birth control.** Defines "birth control," for the purposes of the regulation of medicine, as contraceptive methods that are approved by the U.S. Food and Drug Administration and provides that birth control shall not be considered abortion for the purposes of Title 18.2 (Crimes and Offenses Generally).

*Patron - Watts*

**HB2099 Professions and occupations; deregulation of certain professions.** Implements the recommendations of the Joint Legislative Audit and Review Commission in its report on Operations and Performance of the Department of Professional and Occupational Regulation by deregulating opticians, residential energy analysts, and common interest community managers. The bill also reorganizes provisions of the Code relating to the Common Interest Community Board to account for the removal of regulatory authority over common interest community managers.

*Patron - Freitas*

**HB2100 Department of Professional and Occupational Regulation; natural gas automobile mechanics and technicians; removal of certification requirement.** Removes the certification requirement for, and associated regulatory authority over, the occupation of natural gas automobile mechanics and technicians by the Department of Professional and Occupational Regulation.

*Patron - Freitas*

**HB2101 Department of Professional and Occupational Regulation; deregulation of the practice of landscape architects, soil scientists, and waste management facility operators.** Eliminates licensure requirements for landscape architects, soil scientists, and waste management facility operators. The bill contains technical amendments.

*Patron - Freitas*

**HB2128 Telemedicine; physicians licensed in contiguous jurisdictions.** Authorizes a person licensed to practice medicine or osteopathy who is in good standing with the applicable regulatory agency of a jurisdiction that is contiguous to the Commonwealth to provide health care services to patients located in the Commonwealth through use of telemedicine services.

*Patron - Guzman*

**HB2176 Department of Professional and Occupational Regulation; powers of Real Estate Board; active duty military spouses; license reciprocity.** Requires the Real Estate Board to issue a real estate license to any applicant whose spouse is the subject of a military transfer to the Commonwealth, who accompanies such spouse to the Commonwealth, and who holds a similar license or certification issued by another state, provided that the license or certification is valid and the applicant is in good standing with the regulatory entity that issued the license or certification. The bill provides that any such applicants shall not be required to complete any additional training or examination requirements to be issued a license by the Board.

*Patron - Convirs-Fowler*

**HB2245 Products containing tetrahydrocannabinol; permits to process and dispense cannabidiol oil and THC-A oil.** Clarifies that products containing a concentration of tetrahydrocannabinol that is no greater than that allowed by federal law does not constitute marijuana, as defined in the Code. The bill also increases from one to two the number of pharmaceutical processor permits the Board of Pharmacy may issue or renew for each health service area in any year and allows each pharmaceutical processor to whom a permit has been issued by the Board of Pharmacy to operate up to two off-site dispensing locations for the dispensing of cannabidiol oil and THC-A oil. The bill directs the Board of Pharmacy to issue additional permits to operate a pharmaceutical processor by September 1, 2019.

*Patron - Davis*

**HB2248 Practice of pharmacy; regulation by Board of Pharmacy.** Provides that compounding of drugs provided to the Department of Corrections for the purpose of carrying out an execution by lethal injection shall constitute the practice of pharmacy and be subject to the requirements of the Drug Control Act and the jurisdiction of the Board of Pharmacy. The bill provides that only outsourcing facilities may compound such drugs; currently, both pharmacies and outsourcing facilities may compound such drugs. The bill also clarifies that the Board of Pharmacy may inspect any pharmacy or other place where drugs, cosmetics, or devices are manufactured, stored, or dispensed in response to complaints received by the Board, in any case in which the Board has reason to believe that the pharmacy or other place where drugs, cosmetics, or devices are manufactured, stored, or dispensed has violated any state or federal law, or as otherwise deemed necessary by the Board to protect the health and safety of the public. The bill amends the membership of the Board of Health to include a pharmacist with experiencing in compounding, requires the Board of Health to educate the public about safe use of compounded drugs, and requires the Board of Health and the Board of Pharmacy to report annually to the Governor and the General Assembly on actions taken to (i) ensure the safety and quality of compounded drugs produced by compounding pharmacies and outsourcing facilities located in the Commonwealth and compounding pharmacies and outsourcing facilities located outside the Commonwealth that provide compounded drugs to patients in the Commonwealth; (ii) reduce illegal use of opioids and opioid abuse in the Commonwealth; and (iii) implement provisions of and ensure compliance with the requirements of Title II of the federal Drug Supply Chain Security Act of 2013 related to prescription drug identification, tracing, and verification.

*Patron - Bell, John J.*

**HB2334 Department of Professional and Occupational Regulation; enforcement; authority of investigators.** Provides that any complaint alleging an act or omission

of a regulant that is within the jurisdiction of any regulatory board under the Department of Professional and Occupational Regulation for which compliance has not been obtained shall not be closed at the intake stage, during the investigation, or at the close of an investigation unless such closure has been approved by the appropriate regulatory board.

*Patron - Webert*

**HB2335 Department of Professional and Occupational Regulation; training requirement for barbers and cosmetologists.** Prohibits the Board for Barbers and Cosmetology from requiring, as a condition of licensure, an applicant for a license to practice barbering or cosmetology to complete more than 1,200 hours of training in the field for which the applicant seeks licensure.

*Patron - Keam*

**HB2353 Department of Professional and Occupational Regulation; natural gas automobile mechanics and technicians; removal of certification requirement.** Removes the certification requirement for, and associated regulatory authority over, the occupation of natural gas automobile mechanics and technicians by the Department of Professional and Occupational Regulation.

*Patron - Miyares*

**HB2426 Dispensing of controlled substances; advance disclosure of charge.** Requires every person licensed to dispense controlled substances to provide to the patient for whom such controlled substance is dispensed, or to the patient's authorized representative, an estimate of the payment amount for which the patient will be responsible, prior to dispensing such controlled substance.

*Patron - Levine*

**HB2427 Health care services; payment estimates.** Requires hospitals and practitioners licensed by the Board of Medicine to provide a patient or the representative of a patient scheduled to receive a nonemergency procedure, test, or service to be performed by the hospital or practitioner with an estimate of the payment amount for which the patient will be responsible no later than one week after the scheduling of such procedure, test, or service. Currently, only hospitals are required to provide such estimate, and such estimate is required only (i) for elective procedures, tests, or services; (ii) within three days of the procedure, test, or service; and (iii) upon request of the patient or his representative.

*Patron - Levine*

**HB2596 Misbranded devices; menstrual products.** Provides that certain menstrual products shall be deemed a misbranded device unless the packaging and labeling of the device indicates whether the product contains synthetic fibers, dioxin, or bisphenol A.

*Patron - Kory*

**HB2636 Dispensing of certain controlled substances and devices; limited license.** Authorizes the Board of Pharmacy to issue a limited license at a reduced fee to a prescriber in a nonprofit facility to dispense controlled substances and devices for contraception or treatment of sexually transmitted disease. The bill requires such nonprofit facility to obtain a limited-use permit from the Board and comply with relevant Board regulations and exempts such facility from associated fees. The bill directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill.

*Patron - Simon*

**HB2713 Death with Dignity Act; penalties.** Allows an adult who has been determined by an attending physician and consulting physician to be suffering from a terminal condition to request medication for the purpose of ending his life in a humane and dignified manner. The bill requires that a patient's request for medication to end his life be given orally on two occasions and in writing, signed by the patient and two witnesses, and that the patient be given an express opportunity to rescind his request. The bill requires that before a patient is prescribed medication to end his life, the attending physician must (i) confirm that the patient is making an informed decision; (ii) refer the patient to a capacity reviewer if the physician is uncertain as to whether the patient is making an informed decision; (iii) refer the patient to a consulting physician for confirmation or rejection of the attending physician's diagnosis; and (iv) inform the patient that he may rescind the request at any time. The bill provides that neither a patient's request for medication to end his life in a humane and dignified manner nor his act of ingesting such medication shall have any effect upon a life, health, or accident insurance policy or an annuity contract. The bill makes it a Class 2 felony (a) to willfully and deliberately alter, forge, conceal, or destroy a patient's request, or rescission of request, for medication to end his life with the intent and effect of causing the patient's death or (b) to coerce, intimidate, or exert undue influence on a patient to request medication for the purpose of ending his life or to destroy the patient's rescission of such request with the intent and effect of causing the patient's death. Finally, the bill grants immunity from civil or criminal liability and professional disciplinary action to any person who complies with the provisions of the bill and allows health care providers to refuse to participate in the provision of medication to a patient for the purpose of ending the patient's life.

*Patron - Kory*

**SB1124 Telemedicine; physicians licensed in contiguous jurisdictions.** Authorizes a person licensed to practice medicine or osteopathy who is in good standing with the applicable regulatory agency of a jurisdiction that is contiguous to the Commonwealth to provide health care services to patients located in the Commonwealth through use of telemedicine services.

*Patron - Favola*

**SB1168 Department of Professional and Occupational Regulation; regulatory boards; expungement of disciplinary records.** Authorizes any regulatory board within the Department of Professional and Occupational Regulation to expunge the disciplinary record of a regulant, provided that (i) the regulant's written application for expungement is made at least five years from the date of final disposition of the disciplinary record, (ii) the disciplinary record is the only disciplinary record that the regulant has with a regulatory board, (iii) the regulant is not the subject of an active investigation related to professional or occupational conduct, (iv) the regulant is not in a current disciplinary status and any fees or fines assessed have been paid in full, and (v) the regulant has not had a disciplinary record previously expunged by the regulatory board. The bill defines "expungement" as the removal of a disciplinary record by (a) permanently sealing the affected record from public access, (b) deeming the proceedings to which the affected record refers as not having occurred, and (c) affording the affected party the right to represent that no record exists regarding the subject matter of the affected record. Under the bill, a regulatory board may use a previous discipline for any regulatory purpose or release records of a previous discipline upon request from law enforcement or any other governmental body as permitted by law.

*Patron - DeSteph*

**SB1441 Virginia Board for Court Reporters.** Creates the Virginia Board for Court Reporters (the Board) as an independent board to regulate court reporting services in the state. Beginning July 1, 2020, 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 standards of conduct for court reporters and creates the Board for Court Reporters Fund to receive licensing and registration fees to fund the regulatory program.

*Patron - Stuart*

**SB1452 Dispensing of certain controlled substances and devices; limited license.** Authorizes the Board of Pharmacy to issue a limited license at a reduced fee to a prescriber in a nonprofit facility to dispense controlled substances and devices for contraception or treatment of sexually transmitted disease. The bill requires such nonprofit facility to obtain a limited-use permit from the Board and comply with relevant Board regulations and exempts such facility from associated fees. The bill directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill.

*Patron - McClellan*

**SB1478 Disposition of the remains of a decedent; right to control.** Establishes a priority order for the right to control the disposition of the remains of a decedent; the location, manner, and condition of disposition; and the arrangements for funeral goods and services to be provided, as well as circumstances that would forfeit this right. The bill establishes procedures for resolving disagreements among those who have the right to control and provides liability protections for licensed funeral establishments, funeral service licensees, registered crematories, or registered crematory operators that rely in good faith upon the instructions of an individual claiming the right of disposition.

*Patron - Deeds*

**SB1568 Department of Professional and Occupational Regulation; training requirement for barbers and cosmetologists.** Prohibits the Board for Barbers and Cosmetology from requiring, as a condition of licensure that an applicant for a license to practice barbering or cosmetology complete more than 1,000 hours of training in the field for which the applicant seeks licensure.

*Patron - Marsden*

**SB1766 Board of Pharmacy; two-year pilot; controlled substance tracking system.** Directs the Board of Pharmacy (Board) to conduct a two-year pilot program beginning September 1, 2019, for the development, management, use, and evaluation of a controlled substance tracking system using dispenser data compliant with the federal Drug Supply Chain Security Act. The bill requires each pharmacy permitted in the Commonwealth to participate in the program and to collect and report certain data to the Board. The Board is required to provide access to the reported information to state and federal law-enforcement agencies having jurisdiction over prescription drug law enforcement. The bill authorizes the Board to enter into agreements with the Department of Health and the Department of State Police to implement the program and requires a final report by October 31, 2021, to the Governor's Advisory Commission on Opioids and Addiction and to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health. Finally, the bill requires the Board to promulgate regulations to implement the provisions of the program to be effective no later than September 1, 2019.

*Patron - Boysko*

**SB1773 Health regulatory boards; conversion therapy.** Directs the Board of Counseling, the Board of Medicine, the Board of Nursing, the Board of Psychology, and the Board of Social Work to each promulgate regulations or guidance documents defining conversion therapy and the unprofessional conduct in the practice of conversion therapy with any person under 18 years of age. The bill requires such regulations or guidance documents to ensure any interventions in such practice are patient-centered and align with relevant primary sources or policy statements from the relevant professional association.

*Patron - Dunnivant*

**SB1778 Health regulatory boards; conversion therapy.** Directs the Board of Counseling, the Board of Medicine, the Board of Nursing, the Board of Psychology, and the Board of Social Work to each promulgate regulations prohibiting the use of electroshock therapy, aversion therapy, or other physical treatments in the practice of conversion therapy with any person under 18 years of age.

*Patron - Newman*

## Property and Conveyances

### Passed

**HB1660 Landlord and tenant; renter's insurance; disclaimer.** Provides that if a rental agreement does not require the tenant to obtain renter's insurance, the landlord must provide a written notice to the tenant, prior to the execution of the rental agreement, stating that (i) the landlord is not responsible for the tenant's personal property, (ii) the landlord's insurance coverages do not cover the tenant's personal property, and (iii) if the tenant wishes to protect his personal property, he should obtain renter's insurance. The bill also requires such notice to inform the tenant that any such renter's insurance obtained by the tenant does not cover flood damage and advise the tenant to contact the Federal Emergency Management Agency (FEMA) or visit the websites for FEMA's National Flood Insurance Program or the Virginia Department of Conservation and Recreation's Flood Risk Information System to obtain information regarding whether the property is located in a special flood hazard area. The bill provides that any failure of the landlord to provide such notice does not affect the validity of the rental agreement.

*Patron - Delaney*

**HB1853 Virginia Property Owners' Association Act; home-based businesses.** Provides that if a development is located in a locality classifying home-based child care services as an accessory or ancillary residential use under the locality's zoning ordinance, the provision of home-based child care services in a personal residence shall be deemed a residential use unless (i) expressly prohibited or restricted by the declaration or (ii) restricted by the association's bylaws or rules. The bill is a recommendation of the Virginia Housing Commission. This bill is identical to SB 1537.

*Patron - Bulova*

**HB1898 Virginia Residential Landlord and Tenant Act; tenant's right of redemption.** Extends the amount of time that a tenant may have an unlawful detainer dismissed to two days before a writ of eviction is delivered to be executed if the tenant pays all amounts claimed on the sum-

mons in unlawful detainer to the landlord, the landlord's attorney, or the court.

*Patron - Carroll Foy*

**HB1923 Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement; tenant's right to reasonable attorney fees.** Provides that a tenant is entitled to reasonable attorney fees when a tenant successfully raises as a defense the landlord's noncompliance with the rental agreement and the court enters judgment in favor of the tenant.

*Patron - Bourne*

**HB1962 Common Interest Community Board; enforcement; issuance of compliance orders.** Authorizes the Common Interest Community Board to issue orders requiring governing boards and developers under the (i) Condominium Act (§ 55-79.39 et seq.), (ii) Virginia Real Estate Time-Share Act (§ 55-360 et seq.), and (iii) Virginia Real Estate Cooperative Act (§ 55-424 et seq.) to take affirmative action to correct certain conditions to come into compliance with relevant statutory requirements. Currently the Board is limited to temporary and permanent cease and desist orders.

*Patron - Bulova*

**HB2019 Residential real property; required disclosures; stormwater management facilities.** Provides that the owner of residential real property under the Virginia Residential Property Disclosure Act must include in the residential property disclosure statement provided to a potential purchaser of residential property a statement that the owner makes no representations with respect to the existence or recordation of any maintenance agreement for any stormwater detention facilities on the property, and that advises the potential purchaser to take whatever due diligence steps they deem necessary to determine the presence of any such facilities or agreements, such as contacting his settlement provider, consulting the locality in which the property is located, or reviewing any survey of the property that may have been conducted. The bill also requires the Common Interest Community Board to include notice that regular annual or special assessments paid by the owner to the association may be used for the construction or maintenance of stormwater management facilities in the form that accompanies association disclosure packets that are required to be provided to all prospective purchasers of lots located within a development that is subject to the Virginia Property Owners' Association Act and resale certificates provided to purchasers of units located in a condominium that is subject to the Condominium Act.

*Patron - Murphy*

**HB2030 Common interest communities; dissemination of annual budget; reserve for capital components.** Requires common interest communities under the Condominium Act, the Property Owners' Association Act, and the Virginia Real Estate Cooperative Act (the Acts) to make available to members either the common interest community's annual budget or a summary of the annual budget prior to the beginning of each fiscal year. The bill requires that the five-year cash reserve study required under the Acts include a statement that outlines the amount of the reserves recommended in such study as well as the amount of current cash available for replacement of the reserves. The bill also requires the Common Interest Community Board to prepare guidelines for the development of reserve studies for capital components. This bill is identical to SB 1538.

*Patron - Bulova*

**HB2054 Virginia Residential Landlord and Tenant Act; rental agreement; provisions made applicable**

**by operation of law.** Requires a landlord to offer the tenant a written rental agreement containing the terms governing the rental of the dwelling unit and setting forth the terms and conditions of the landlord tenant relationship. The bill provides that in the event a written rental agreement is not offered by the landlord, a rental tenancy shall be deemed to exist by operation of law and establishes the terms and conditions of that tenancy. This bill is a recommendation of the Virginia Housing Commission. This bill is identical to SB 1676.

*Patron - Carr*

**HB2081 Common Interest Community Board; association fees; Common Interest Community Management Information Fund.** Eliminates annual assessments levied by the Common Interest Community Board. The bill allows for the collection of application, renewal, and annual reporting fees set by the Board in accordance with a biennial assessment of the Common Interest Community Management Information Fund similar to the assessment required by the Callahan Act (§ 54.1-113), but at no time shall such fee exceed \$25 unless such fee is based on the number of units or lots in the association.

*Patron - Watts*

**HB2262 Managing agent of landlord.** Clarifies that for the purposes of signing pleadings and other papers and obtaining a judgment for possession or for rent or damages in general district court, the managing agent of a landlord may act on behalf of the business, provided that he is acting pursuant to the written property management agreement.

*Patron - Campbell, J.L.*

**HB2287 Lease agreements; requirements; emergency.** Specifies that a lease agreement or other written document conveying a non-freehold estate in land is not invalid, unenforceable, or subject to repudiation by the parties to such agreement on account of, or otherwise affected by, the fact that the conveyance of the estate was not in the form of a deed. Current law requires a lease for a term of more than five years to be in the form of a deed. The bill further replaces all references throughout the Code to “deed of lease” with the term “lease.” This bill is in response to *The Game Place, L.L.C., et al. v. Fredericksburg 35, LLC*, 295 Va. 396, 813 S.E.2d 312 (Va. 2018). The bill contains an emergency clause and is identical to SB 1422.

*Patron - Leftwich*

**HB2304 Landlord and tenant; renter's insurance obtained by landlord on behalf of tenants; notice of waiver of subrogation provisions.** Requires a landlord that has obtained renter's insurance coverage on behalf of his tenants to include, as part of the summary of the insurance policy or certificate evidencing the coverage as currently required by law, a statement regarding whether the insurance policy contains a waiver of subrogation provision. The bill provides that any failure of the landlord to provide such summary or certificate, or to make available a copy of the insurance policy, shall not affect the validity of the rental agreement.

*Patron - Leftwich*

**HB2385 Condominium Act and Property Owners' Association Act; delivery of condominium resale certificates and association disclosure packets; right of purchaser to cancel contract.** Provides that a purchaser of a unit subject to the Condominium Act or a lot subject to the Property Owners' Association Act who receives a condominium resale certificate or association disclosure packet that is not in conformity with law may cancel the contract for such unit or lot (i) within three days after the date of the contract if the resale certificate or disclosure packet is received on or before the date that the purchaser signs the contract; (ii) within

three days of receiving the resale certificate or disclosure packet if the resale certificate or disclosure packet is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt obtained; or (iii) within six days after the postmark date if the resale certificate or disclosure packet is sent to the purchaser by United States mail. This bill is identical to SB 1580.

*Patron - Bulova*

**HB2410 Appointment of resident agent by non-resident property owner.** Limits the applicability of the requirement for a nonresident landlord to appoint a resident agent to nonresident individuals who own and lease real property in the Commonwealth. Under current law, the requirement applies to corporations, partnerships, business trusts, associations, and other legal entities. The bill also clarifies that if the resident agent appointed by the nonresident property owner is a corporation, limited liability company, partnership, or other entity, it must be authorized to transact business in the Commonwealth. In addition, the bill clarifies that the specification of ownership of four or more units applies to residential property and not commercial property. The bill contains technical amendments.

*Patron - Adams, L.R.*

**HB2411 Timber sales; theft; accounting; penalty.** Provides that a person who buys and removes timber from a landowner's property is guilty of timber theft if he fails to pay the landowner by the date specified in their agreement or, if there is no written agreement, within 60 days of removing the timber. The bill provides that a person who is convicted of timber theft is guilty of a Class 1 misdemeanor and shall be ordered to pay three times the value of the timber removed in addition to any penalties imposed by the court. The bill provides that, following the passing of the payment deadline, a buyer's failure to pay within 10 days of receiving a demand for payment shall constitute prima facie evidence of the buyer's intent to violate the timber theft provision. An exception exists for a purchaser who made payment to a person he believed in good faith to be the rightful owner of the timber.

The bill requires a timber buyer, in certain cases, to furnish at the request of the landowner an accounting of each load removed from the property, with all supporting documentation. A person who fails to provide such information, or who provides false information, is guilty of a Class 3 misdemeanor.

The bill extends from 30 days to 90 days the period during which the owner of land on which a person encroached and cut timber has the right to notify such trespasser and to appoint a timber estimator to determine the amount of damages and directs the State Forester to assist landowners and law-enforcement agencies with regard to reported cases of timber theft.

Finally, the bill excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act those records of the Department of Forestry that are composed of confidential commercial or financial information supplied to the Department in the course of a timber theft investigation. This bill is identical to SB 1469.

*Patron - Adams, L.R.*

**HB2509 Virginia Self-Service Storage Act; enforcement of liens; online public auction.** Allows any public auction held to enforce a lien on personal property stored within a leased space at a self-service storage facility to take place online. Under current law, such public auctions may take place only at the self-service storage facility or at the nearest suitable place to where the personal property is held or stored. The bill also requires that an advertisement of the online public auction be published in a newspaper of general circulation in

the county, city, or town in which the self-service storage facility is located at least once prior to the online public auction.

*Patron - Hugo*

**HB2647 Condominium Act; meetings of unit owners' associations; proxy voting.** Provides that any proxy shall be void if not signed by or on behalf of the unit owner. The bill also provides that if the unit owner is more than one person, any such unit owner may object to the proxy at or prior to a meeting of the unit owners' association, whereupon the proxy shall be deemed revoked. Under current law, the proxy of any person is void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person.

*Patron - Reid*

**HB2655 Eviction Diversion Pilot Program.** Establishes the Eviction Diversion Pilot Program (the Program), consisting of specialized dockets within the existing structure of the general district courts for the cities of Danville, Hampton, Petersburg, and Richmond. The Program is established as a pilot program that has a delayed effective date of July 1, 2020, and that expires on July 1, 2023. The purpose of the Program is to reduce the number of evictions of low-income persons. Parties to an unlawful detainer action in participating jurisdictions will be directed to participate in the Pilot Program upon certain findings by the court. The Virginia Housing Commission (the Commission) shall request data from the Executive Secretary of the Supreme Court of Virginia for the evaluation of the Program's effectiveness and potential benefits and costs. The bill tasks the Commission with making recommendations for legislative action to the General Assembly, the Chairmen of the Senate Committees on Finance, General Laws and Technology, and Courts of Justice, and the Chairmen of the House Committees on Appropriations, Finance, General Laws, and Courts of Justice prior to the 2023 Session. This bill is identical to SB 1450.

*Patron - Collins*

**HB2694 Property Owners' Association Act; association meetings; notice by email.** Allows members of property owners' associations to elect to receive notice of meetings of the association by email in lieu of the current requirement that such notice be sent by United States mail or hand delivered, provided that in the event that such electronic mail is returned as undeliverable, notice is subsequently sent by United States mail.

*Patron - Cole*

**HB2769 Clerks of court; Torrens system.** Repeals the provision of law establishing the Torrens system, which provided for the settlement, registration, transfer, and assurance of titles to land and established courts of land registration.

*Patron - Campbell, R.R.*

**SB1080 Revision of Title 55.** Creates proposed Title 55.1 (Property and Conveyances) as a revision of existing Title 55 (Property and Conveyances). Proposed Title 55.1 consists of 29 chapters divided into five subtitles: Subtitle I (Property Conveyances), Subtitle II (Real Estate Settlements and Recordation), Subtitle III (Rental Conveyances), Subtitle IV (Common Interest Communities), and Subtitle V (Miscellaneous). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to real and personal property conveyances, recordation of deeds, rental property, common interest communities, escheats, and unclaimed property. The bill has a delayed effective date of October 1, 2019, and is a recommendation of the Virginia Code Commission.

*Patron - Edwards*

**SB1086 Virginia Real Estate Time-Share Act; Common Interest Community Board; administrative proceedings.** Conforms language regarding temporary cease and desist orders to similar proceedings in § 55-79.100 under the Condominium Act (§ 55-79.39 et seq.). The bill removes language that (i) requires hearings of the Board to be formal in nature and to be held in the County of Henrico and at least monthly and (ii) provides the Board with investigative powers already given to and more appropriately exercised by the Director of the Department of Professional and Occupational Regulation.

*Patron - Cosgrove*

**SB1292 Virginia Residential Property Disclosure Act; required disclosures.** Adds to the required residential property disclosure that is furnished by the owner to a buyer (i) that the owner of residential real property makes no representations or warranties as to the condition of the real property with regard to any conveyances of mineral rights and (ii) that before purchasing residential property, a buyer should exercise due diligence in determining whether property is located in a special flood hazard area by contacting the Federal Emergency Management Agency (FEMA) or visiting the website for FEMA's National Flood Insurance Program or for the Virginia Department of Conservation and Recreation's Flood Risk Information System.

*Patron - Vogel*

**SB1422 Lease agreements; requirements; emergency.** Specifies that a lease agreement or other written document conveying a non-freehold estate in land is not invalid, unenforceable, or subject to repudiation by the parties to such agreement on account of, or otherwise affected by, the fact that the conveyance of the estate was not in the form of a deed. Current law requires a lease for a term of more than five years to be in the form of a deed. The bill further replaces all references throughout the Code to "deed of lease" with the term "lease." This bill is in response to *The Game Place, L.L.C., et al. v. Fredericksburg 35, LLC*, 295 Va. 396, 813 S.E.2d 312 (Va. 2018). The bill contains an emergency clause and is identical to HB 2287.

*Patron - Obenshain*

**SB1445 Virginia Residential Landlord and Tenant Act; tenant's right of redemption.** Extends the amount of time that a tenant may have an unlawful detainer dismissed to two days before a writ of eviction is delivered to be executed if the tenant pays all amounts claimed on the summons in unlawful detainer to the landlord, the landlord's attorney, or the court.

*Patron - Locke*

**SB1449 Virginia Residential Executory Real Estate Contracts Act.** Creates the Virginia Residential Executory Real Estate Contracts Act establishing provisions applicable to such contracts. The bill defines a residential executory real estate contract as an installment land contract, lease option contract, or rent-to-own contract by which a purchaser acquires any right or interest in real property other than a right of first refusal and occupies or intends to occupy the property as his primary residence. The bill also provides for the Board for Housing and Community Development to develop and make available on its website best practice provisions for residential executory real estate contracts. As introduced, this bill was a recommendation of the Virginia Housing Commission.

*Patron - Locke*

**SB1450 Eviction Diversion Pilot Program.** Establishes the Eviction Diversion Pilot Program (the Program),

consisting of specialized dockets within the existing structure of the general district courts for the cities of Danville, Hampton, Petersburg, and Richmond. The Program is established as a pilot program that has a delayed effective date of July 1, 2020, and that expires on July 1, 2023. The purpose of the Program is to reduce the number of evictions of low-income persons. Parties to an unlawful detainer action in participating jurisdictions will be directed to participate in the Pilot Program upon certain findings by the court. The Virginia Housing Commission (the Commission) shall request data from the Executive Secretary of the Supreme Court of Virginia for the evaluation of the Program's effectiveness and potential benefits and costs. The bill tasks the Commission with making recommendations for legislative action to the General Assembly, the Chairmen of the Senate Committees on Finance, General Laws and Technology, and Courts of Justice, and the Chairmen of the House Committees on Appropriations, Finance, General Laws, and Courts of Justice prior to the 2023 Session. This bill is identical to HB 2655.

*Patron - Locke*

**SB1537 Virginia Property Owners' Association Act; home-based businesses.** Provides that if a development is located in a locality classifying home-based child care services as an accessory or ancillary residential use under the locality's zoning ordinance, the provision of home-based child care services in a personal residence shall be deemed a residential use unless (i) expressly prohibited or restricted by the declaration or (ii) restricted by the association's bylaws or rules. The bill is a recommendation of the Virginia Housing Commission. This bill is identical to HB 1853.

*Patron - Surovell*

**SB1538 Common interest communities; dissemination of annual budget; reserve for capital components.** Requires common interest communities under the Condominium Act, the Property Owners' Association Act, and the Virginia Real Estate Cooperative Act (the Acts) to make available to members either the common interest community's annual budget or a summary of the annual budget prior to the beginning of each fiscal year. The bill requires that the five-year cash reserve study required under the Acts include a statement that outlines the amount of the reserves recommended in such study as well as the amount of current cash available for replacement of the reserves. The bill also requires the Common Interest Community Board to prepare guidelines for the development of reserve studies for capital components. This bill is a recommendation of the Virginia Housing Commission. This bill is identical to HB 2030.

*Patron - Surovell*

**SB1580 Condominium Act and Property Owners' Association Act; delivery of condominium resale certificates and association disclosure packets; right of purchaser to cancel contract.** Provides that a purchaser of a unit subject to the Condominium Act or a lot subject to the Property Owners' Association Act who receives a condominium resale certificate or association disclosure packet that is not in conformity with law may cancel the contract for such unit or lot (i) within three days after the date of the contract if the resale certificate or disclosure packet is received on or before the date that the purchaser signs the contract; (ii) within three days of receiving the resale certificate or disclosure packet if the resale certificate or disclosure packet is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt obtained; or (iii) within six days after the postmark date if the resale certificate or disclosure

packet is sent to the purchaser by United States mail. This bill is identical to HB 2385.

*Patron - Suetterlein*

**SB1676 Virginia Residential Landlord and Tenant Act; rental agreement; provisions made applicable by operation of law.** Requires a landlord to offer the tenant a written rental agreement containing the terms governing the rental of the dwelling unit and setting forth the terms and conditions of the landlord tenant relationship. The bill provides that in the event a written rental agreement is not offered by the landlord, a rental tenancy shall be deemed to exist by operation of law and establishes the terms and conditions of that tenancy. This bill is a recommendation of the Virginia Housing Commission. This bill is identical to HB 2054.

*Patron - Stanley*

**SB1737 Civil relief; citizens of the Commonwealth furloughed or otherwise not receiving wages or payments due to partial closure of the federal government.** Provides a 30-day stay of eviction and foreclosure proceedings for tenants, homeowners, and owners who rent to a tenant a one-family to four-family residential dwelling unit who request a stay and provide written proof, defined in the bill, that they are (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government who was furloughed or was or is otherwise not receiving wages or payments as a result of the partial closure of the United States government beginning on December 22, 2018. The bill has an expiration date of September 30, 2019. This bill received Governor's recommendations.

*Patron - McPike*

**SB1756 Virginia Condominium Act; Virginia Property Owners' Association Act; stormwater facilities; transfer of control of management, maintenance, repair, or replacement.** Requires a declarant to deliver to the president of the unit owners' association or his designated agent, or in the case of a property-owners' association, the board of directors or their designee, an inventory and description of stormwater facilities located on their premises. The bill requires the delivery of final site plans and applicable recorded easements and agreements regarding the inventory and description of stormwater management facilities located on common elements of a condominium or property owners' association property so that such associations are aware of the requirements for the maintenance, repair, or replacement of the stormwater facilities.

*Patron - Surovell*

## Failed

**HB1860 Virginia Residential Landlord and Tenant Act; nonpayment of rent; written notice of termination; time period.** Changes from five to 14 days the period within which a tenant is required to pay rent after written notice of termination of the rental agreement is served by the landlord on the tenant.

*Patron - McQuinn*

**HB1901 Virginia Property Owners' Association Act; rights of lot owners.** Requires a property owners' association to provide the count and final outcome of a vote on any matter requiring a vote by the association's membership to any lot owner who requests such information. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Convirs-Fowler*

**HB2175 Virginia Residential Property Disclosure Act; Virginia Residential Landlord and Tenant Act; disclosure of special flood hazard area to prospective purchaser or renter.** Requires the owner of residential real property who has actual knowledge that the property is located in one or more special flood hazard areas to provide a written disclosure when selling the property. Under current law, the owner is required to advise the buyer to exercise due diligence prior to purchasing the property. The bill also requires landlords who have actual knowledge that the residential dwelling unit is on property that is located in a special flood hazard area to disclose that information to the prospective tenant. If a tenant is not provided disclosure within 60 days of discovery that the residential dwelling unit is on property that is located in a special flood hazard area, he may terminate the lease.

*Patron - Convirs-Fowler*

**HB2249 Timber sales; theft; accounting; penalty.** Provides that a person who buys and removes timber from a landowner's property is guilty of larceny if he fails to pay the landowner by the date specified in their agreement, or if there is no written agreement, within 60 days of removing the timber. The bill provides that a person who is convicted of larceny of timber shall be ordered to pay three times the value of the timber removed. An exception exists for a purchaser who made timely payment to a person he believed in good faith to be the rightful owner of the timber. The bill also provides that, following the passing of the payment deadline, a buyer's failure to pay within 10 days of receiving a demand for payment shall constitute prima facie evidence of the buyer's intent to violate the larceny provision.

The bill requires a timber buyer, in certain cases, to furnish at the request of the landowner an accounting of each load removed from the property, with supporting documentation. A person who fails to provide such information, or who provides false information, is guilty of a Class 3 misdemeanor.

The bill extends from 30 days to 90 days the period during which the owner of land on which a person encroached and cut timber has the right to notify such trespasser and to appoint a timber estimator to determine the amount of damages and directs the State Forester to assist landowners and law-enforcement agencies relative to reported cases of timber theft.

*Patron - Austin*

**HB2374 Validity of long-term lease of real property.** Provides that no lease of real property for a term of five years or more shall be deemed invalid solely because it lacks a seal or a seal substitute. This bill is in response to *The Game Place, L.L.C., et al. v. Fredericksburg 35, LLC*, 295 Va. 396, 813 S.E.2d 312 (Va. 2018).

*Patron - Garrett*

**HB2418 Condominium Act; management of condominiums; distribution of information by electoral candidates.** Requires the executive organ of a condominium unit owners' association to establish a reasonable, effective, and free method, appropriate to the size and nature of the condominium, for a candidate seeking or campaigning for an elective office to communicate with unit owners concerning the election for which such candidate is seeking office no sooner than 90 days prior to such election. The bill provides that such method shall not jeopardize the security nor the customary ambiance of the condominium.

*Patron - Herring*

**HB2434 Manufactured home parks; sale of park; notice; rights of association.** Entitles a manufactured home park association, as defined in the bill, to make a bona fide

offer to purchase the park in a situation where a landlord has given the required written notice of termination of rental agreements due to plans for rehabilitation or a change in the use of all or any part of a manufactured home park by the landlord. The bill provides certain requirements for negotiations between the landlord and the association.

*Patron - Torian*

**HB2502 Landlord and tenant; maintenance standards.** Requires landlords to fully comply with the minimum standards set forth in the International Property Maintenance Code in addition to any requirements of applicable building and housing codes. The bill also makes failure to fully comply with the provisions of the International Property Maintenance Code material noncompliance by the landlord for the purposes of a tenant filing for relief.

*Patron - Rasoul*

**HB2671 Real estate settlements; kickbacks and other payments; remedies; penalties.** Relocates within Title 55 the existing provision that prohibits persons from paying or receiving a kickback, rebate, commission, thing of value, or other payment pursuant to an agreement to refer business incident to a settlement from Chapter 27.2 (Real Estate Settlements) to Chapter 27.3 (Real Estate Settlement Agents). This relocation authorizes the State Corporation Commission to impose penalties, issue injunctions, and require restitution in cases where a person who does not hold a license from the appropriate licensing authority has violated the provision. The measure also adds to Chapter 27.3 of Title 55 provisions that (i) authorize a court to assess civil penalties of not more than \$2,500 per violation of the chapter and (ii) authorize the recovery of costs and reasonable expenses and attorney fees.

*Patron - Gooditis*

**HB2714 Landlord-tenant law; applicability; occupancy in a hotel or motel exempt.** Provides that occupancy of a hotel or motel is not considered a residential tenancy under landlord-tenant law. Removes hotel and motel occupancy from provisions requiring certain facilities to provide a five-day notice for occupants of less than 90 consecutive days and applying landlord-tenant law to the same facilities for occupants of more than 90 consecutive days.

*Patron - Lindsey*

**HB2728 Virginia Residential Property Disclosure Act; required disclosures for buyer to beware; impounding structures or dams.** Adds an additional required disclosure statement for the buyer to beware in regards to the condition or regulatory status of an impounding structure or dam either on the property or under the ownership of the homeowners association to which the owner of the property is required to join.

*Patron - Convirs-Fowler*

**HB2812 Virginia Residential Landlord and Tenant Act; disclosure of landlord and tenant remedies.** Requires a landlord or managing agent to provide to each tenant, on or before the date that the rental agreement is to commence, a clear and conspicuous written disclosure of the remedies afforded landlords and tenants under the Virginia Residential Landlord and Tenant Act. The bill also (i) provides tenants with the right to terminate a rental agreement if the landlord or managing agent fails to provide the disclosure and (ii) requires the Department of Housing and Community Development to develop a model disclosure form by November 30, 2019.

*Patron - Guzman*

**SB1374 Condominium Act; penalties.** Provides that any person who willfully violates any provision of the

Condominium Act is guilty of a misdemeanor the penalty for which, for each such violation, is (i) a fine of not less than \$1,000 or double the amount of gain from the transaction, whichever is greater, but not more than \$50,000; (ii) a jail sentence of not more than six months; or (iii) the penalties in both clauses (i) and (ii). Under current law, this penalty is applicable to certain provisions of the Act, including failure to comply with filing and registration requirements, public offering statements, and escrow of deposits.

*Patron - DeSteph*

**SB1438 Virginia Residential Landlord and Tenant Act.** Provides that when a landlord as plaintiff requests that an initial hearing on a summons for unlawful detainer be set on a date later than 21 days from the filing of such summons, the initial hearing shall not be set on a date later than 30 days after the date of the filing. The bill further provides that an order of possession for the premises in an unlawful detainer action shall not be entered unless the landlord or the landlord's attorney or agent has presented a copy of a proper termination notice that the court admits into evidence. The bill allows a landlord to amend the amount alleged to be due and owing in an unlawful detainer action to request all amounts due and owing as of the date of a hearing on the action and to further amend such an amount to include additional amounts that become due and owing prior to the final disposition of a pending unlawful detainer action. The bill prohibits a landlord from filing a subsequent and additional unlawful detainer summons for such additional amounts. The bill also (i) requires a landlord to offer the tenant a written rental agreement and sets forth terms and conditions that will be applicable by operation of law if the landlord does not offer a written rental agreement; (ii) provides that a tenant is entitled to reasonable attorney fees when an action brought by a landlord to enforce the terms of a rental agreement is dismissed at the request of the tenant or tenant's attorney or judgment is entered in favor of the tenant; (iii) extends the "pay or quit" provision from five days to 14 days; (iv) prohibits a landlord from terminating a rental agreement solely because a tenant owes fees due to late payment of rent, provided that such tenant is current on all rental payments; and (v) extends the amount of time that a tenant may have an unlawful detainer dismissed to two days before a writ of eviction is delivered to be executed if the tenant pays all amounts claimed on the summons in unlawful detainer to the landlord, the landlord's attorney, or the court.

*Patron - McClellan*

**SB1442 Manufactured Home Lot Rental Act; penalties for violation.** Changes the amount that a tenant is entitled to recover for a landlord's violation of the Manufactured Home Lot Rental Act (§ 55-248.51 et seq.) from an amount equal to the greater of the tenant's monthly rental payment at the time of the violation or actual damages and attorney fees to an amount equal to the greater of three times the tenant's monthly rental payment at the time of the violation or actual damages and attorney fees.

*Patron - McPike*

## Public Service Companies

Passed

**HB1840 Electric utilities; pilot programs for transmission facilities serving business parks.** Directs the Virginia Economic Development Partnership to establish pilot programs by Dominion Energy Virginia and Appalachian Power. The pilot programs will have the purpose of promoting

economic development in opportunity zones of the Commonwealth by allowing each utility to complete the construction phase of electric transmission infrastructure for up to three business parks prior to the public announcement of a prospective occupant of the business parks. Electric cooperatives may also petition the State Corporation Commission to participate in the pilot program. The measure authorizes a utility to recover the costs of the transmission facility through a rate adjustment clause. The provisions of this measure expire on December 31, 2023.

*Patron - Marshall*

**HB1934 Electric vehicle charging stations; operation by certain state agencies.** Authorizes the Department of General Services, Department of Motor Vehicles, and Department of Transportation to locate and operate a retail fee-based electric vehicle charging station on property the agency controls if the electric vehicle charging services are offered at prevailing market rates, as defined in the bill. The bill exempts such 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, such provisions are applicable only to the Department of Conservation and Recreation when operating a retail fee-based electric vehicle charging station on property of any existing state park or similar recreational facility the Department of Conservation and Recreation controls.

*Patron - Bulova*

**HB2269 Regional transportation sector emissions programs; participation by Commonwealth.** Prohibits the Governor or any state agency from adopting any regulation establishing or bringing about the participation by the Commonwealth in the Transportation and Climate Initiative or any other regional transportation sector emissions program. The bill provides that the Commonwealth shall be allowed to participate in such a regional transportation sector emission program if the House of Delegates and the Senate of Virginia each adopt a resolution by two-thirds vote that specifically references and approves the regulatory text proposed for adoption by a state agency. This bill was vetoed by the Governor.

*Patron - Poindexter*

**HB2292 Electric utilities; energy efficiency programs.** Provides that any determination by the State Corporation Commission that an energy efficiency program is not in the public interest shall include with its final order the work product and analysis conducted by the staff of the Commission in making that determination. The measure requires that if the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (i) finding that a program or portfolio of programs is not in the public interest or (ii) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. The measure provides that any utility petitioning the Commission for approval of one or more rate adjustment clauses for energy efficiency programs shall include a proposed budget for the design, implementation, and operation of the energy efficiency programs. The bill requires that any rate adjustment clause approved for an energy efficiency program remain in effect until the utility exhausts the approved budget for the energy efficiency program.

*Patron - Sullivan*

**HB2293 Electric utilities; stakeholder process for energy efficiency programs.** Requires the independent moni-

tor chosen to facilitate the energy efficiency stakeholder process established for the purpose of providing input and feedback on the development of electric utilities' energy efficiency programs to convene meetings of the participants not less frequently than twice each calendar year between July 1, 2019, and July 1, 2028. The measure also requires the independent monitor's report on the status of the stakeholder process to address (i) the objectives established by the stakeholder group during this process related to programs to be proposed, (ii) recommendations related to programs to be proposed that result from the stakeholder process, and (iii) the status of those recommendations. Current law requires that an annual report be submitted by the utility and does not require that it include such information on the stakeholder process. This bill is identical to SB 1605.

*Patron - Sullivan*

**HB2332 Electric utilities; protection of customer data.** Requires the State Corporation Commission to convene and facilitate a Data Access Stakeholder group to review and consider certain elements of electric utility customer privacy considerations, including data sharing, protection of customers' personally identifiable information, opt-in/opt-out conditions for access to customers' utility usage data by the electric utility, and notice requirements by utilities to customers regarding energy usage data being collected. The measure requires the Data Access Stakeholder group to conclude its work no later than April 1, 2020, and report its recommendations to the General Assembly.

*Patron - Keam*

**HB2477 Electric utilities; licensed retail suppliers.** Provides that customers of an incumbent electric utility that is required to obtain capacity for all load and expected load growth in its service area shall, if they purchase energy from a supplier licensed to sell retail electric energy within the Commonwealth, continue to pay their incumbent electric utility for the non-fuel generation capacity and transmission related costs incurred by the incumbent electric utility in order to meet such customers' capacity obligations. The measure provides that the advance written notice period applicable to such customers shall be three years. The measure requires each licensed retail supplier serving customers of Appalachian Power to file annual reports with the Commission and provides that the failure to do so constitutes grounds for suspension or revocation of its license. This bill received Governor's recommendations.

*Patron - Kilgore*

**HB2547 Electric utilities; net energy metering.** Establishes requirements for net energy metering by electric cooperatives effective upon the earlier of July 1, 2019, or the effective date of implementing regulations by the State Corporation Commission. Instances where the new net energy metering program's requirements differ from those of the existing program include (i) the cap on the capacity of generating facilities, which will initially be two percent of system peak for residential customers, two percent of system peak for not-for-profit and nonjurisdictional customers, and one percent of system peak for other nonresidential customers; (ii) authorizing an electric cooperative to raise these caps up to a cumulative total of seven percent of its system peak; (iii) legalizing third-party partial requirements power purchase agreements for those retail customers and nonjurisdictional customers of an electric cooperative that are exempt from federal income taxation; and (iv) establishing registration requirements for third-party partial requirements power purchase agreements, including a self-certification system under which a provider is required to affirm certain information to Commission staff, under penalty of revocation of its registration. The measure authorizes the board of directors of an electric cooperative to adjust its rates,

terms, conditions, and rate schedules governing net energy metering and prohibits a cooperative after the date of such an adjustment from collecting stand-by charges. The measure authorizes an electric cooperative to adopt a new rate schedule or rider containing demand charges based upon a net energy metering customer's noncoincident peak demand and provides for alternative caps on its net energy metering program. The measure authorizes a cooperative's fixed monthly charge covering the fixed costs of owning and operating its electric distribution system as an alternative to volumetric charges associated with demand and to rebalance among any of the fixed monthly charge, distribution demand, and distribution energy charges. The measure authorizes an investor-owned utility participating in the pilot program for community solar development to move the Commission to make its pilot program permanent. The measure also requires Dominion Power to (a) convene a stakeholder process, using an independent facilitator, to make recommendations to the utility concerning issues related to the implementation of advanced metering technology and related investments in customer information systems; (b) submit to the Commission for approval retail rate schedules designed to offer time-varying pricing; and (c) submit to the Commission for approval an incentive program for the installation of solar equipment for customers served under time-varying retail rate schedules that have advanced-metering technology equipment.

*Patron - Hugo*

**HB2691 Electric utilities; provision of broadband services.** Requires the State Corporation Commission to establish pilot programs under which Dominion Energy and Appalachian Power may submit a petition to provide or make available broadband capacity to nongovernmental Internet service providers in areas of the Commonwealth that are unserved by broadband. The costs of Dominion Power and Appalachian Power's proposals are each capped at \$60 million annually. The provision of such broadband capacity is declared to be in the public interest. The measure authorizes the utilities to recover the net costs of the pilot program from customers through a rate adjustment clause. The measure authorizes such utility to own or lease broadband capacity equipment. The measure requires the Commission to conduct proceedings to determine whether an area is unserved by broadband.

*Patron - O'Quinn*

**HB2738 Public utilities; acquisition of rights-of-way for economic development sites.** Authorizes a public utility providing water, sewer, electric, or natural gas service to propose an Economic Development Program (Program) under which it may acquire utility right-of-way for one or more qualified economic development sites. A proposal for a Program is required to include an analysis of how acquiring the rights-of-way will enhance the Commonwealth's infrastructure and promote the Commonwealth's competitive business environment by improving the readiness of a qualified economic development site. The measure establishes criteria for the Virginia Economic Development Partnership Authority to certify that an industrial site is a qualified economic development site. The State Corporation Commission (SCC) is authorized to approve a proposal for a Program that satisfies certain conditions, including findings that (i) implementation of the Program will provide significant economic development benefits that might not otherwise be attained absent its approval and (ii) the Program is designed only to acquire utility rights-of-way to a qualified economic development site and not to provide service to other customers or potential customers. A utility's capital investment is capped at one percent of gross plant investment in the aggregate of all of the utility's Programs and at \$5 mil-

lion for any specific qualified economic development site. This bill is identical to SB 1695.

*Patron - Bagby*

**HB2789** **Direct the establishment of energy conservation measures providing incentives for the development of electric energy delivered from sunlight.** Requires Dominion Power and Appalachian Power Company to seek approval for a three-year program of energy conservation measures providing incentives to low income, elderly and disabled individuals in an amount not to exceed \$25 million in the aggregate for the installation of measures that reduce residential heating and cooling costs and enhance the health and safety of residents. The measure also requires the utilities to develop a program of energy conservation measures providing incentives, open to low income, elderly and disabled individuals who also participate in the above-described incentive program, in an amount not to exceed \$25 million in the aggregate, for the installation of equipment to develop electric energy derived from sunlight. The measure provides that the utilities may provide such incentives directly to customers or to organizations that assist low income, elderly and disabled individuals. The measure directs that in developing such incentive programs, each utility shall give consideration to low income, elderly and disabled persons residing in housing that a redevelopment and housing authority owns or controls.

*Patron - O'Quinn*

**HB2792** **Electric utilities; municipal net energy metering.** Directs the State Corporation Commission to establish a pilot program that affords the opportunity for any locality to participate in net energy metering if it is a retail customer of a certain type of investor-owned electric utility. In order to qualify for the program, the locality is required to own and operate a renewable generating facility with a generating capacity of not more than two megawatts that is located on the municipality's premises and is intended primarily to offset all or part of the locality's own electricity requirements. Under the pilot program, a municipal customer-generator that generates electricity in amounts that exceed the amount of electricity consumed by the municipal customer-generator, determined annually, to credit one or more of the municipality's target metered accounts in order that the generation energy charges on the electric bills of the target's metered accounts are reduced by the amount of excess generation kilowatt hours apportioned to the metered account multiplied by the applicable generation energy rate of the target's accounts. In Appalachian Power's service territory, metered accounts of the public school division of a locality may be target accounts. The amount of generating capacity of all generating facilities that are the subject of a pilot program are limited to (i) five megawatts if Appalachian Power is the pilot program utility, though the utility may increase the amount to up to 10 megawatts or (ii) 25 megawatts if Dominion Power is the pilot program utility. Such aggregated capacities of the generation facilities that are the subject of a pilot program constitute a portion of the existing limit of the utility's adjusted Virginia peak-load forecast of the previous year that is available to municipal customer-generators, eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the utility's service area. The duration of the pilot program is six years. This bill is identical to SB 1779.

*Patron - Tran*

**SB1176** **State Corporation Commission; natural gas utilities; investigative reports.** Requires the State Corporation Commission, within 30 days following receipt of a written request, to make available for public inspection a report regarding the finalized enforcement action or investigation regarding the death or personal injury necessitating inpatient

hospitalization of any person or damage to property exceeding \$50,000 resulting from a leak or other incident involving the intrastate facilities of a natural gas utility operator. The measure prohibits such a report from revealing infrastructure information regarding certain buildings, structures, or facilities; risk assessment information not provided to the public by the utility operator; certain security plans and measures; confidential or sensitive information; proprietary information; and information that would jeopardize the safety or security of any person, governmental facility, building, or structure, or private commercial office, residential, or retail building.

*Patron - McPike*

**SB1346** **Electric cooperatives; rates.** Authorizes any electric cooperative to (i) if it does not hold a membership interest in a utility aggregation cooperative, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the costs of generation facilities, modifications to generation facilities, or pumped hydroelectricity generation and storage facilities or (ii) adopt any other cooperative's voluntary rate, voluntary program, or voluntary tariff.

*Patron - Newman*

**SB1427** **Water and sewerage companies; cost allocation and rate design.** Requires the State Corporation Commission (SCC) to consider certain factors in making determinations regarding water and sewerage company rate applications or proposals allocating the revenue requirement to classes of customers. The measure (i) excludes certain previously-addressed revenue allocations and (ii) requires that rate applications submitted to the SCC that would allocate the revenue requirement to more than one class of customers shall be supported by a class cost-of-service study. The measure applies to any water or sewerage company with fewer than 10,000 customer accounts.

*Patron - Obenshain*

**SB1605** **Electric utilities; stakeholder process for energy efficiency programs.** Requires the independent monitor chosen to facilitate the energy efficiency stakeholder process established for the purpose of providing input and feedback on the development of electric utilities' energy efficiency programs to convene meetings of the participants not less frequently than twice each calendar year between July 1, 2019, and July 1, 2028. The measure also requires the independent monitor's report on the status of the stakeholder process to address (i) the objectives established by the stakeholder group during this process related to programs to be proposed, (ii) recommendations related to programs to be proposed that result from the stakeholder process, and (iii) the status of those recommendations. Current law requires that an annual report be submitted by the utility and does not require that it include such information on the stakeholder process. This bill is identical to HB 2293.

*Patron - Ebbin*

**SB1662** **Electric utilities; energy efficiency programs.** Provides that any determination by the State Corporation Commission that an energy efficiency program is not in the public interest shall include with its final order the work product and analysis conducted by the staff of the Commission in making that determination. The measure provides that any utility petitioning the Commission for approval of one or more rate adjustment clauses for energy efficiency programs shall include a proposed budget for the design, implementation, and operation of the energy efficiency programs. The bill requires that any rate adjustment clause approved for an energy effi-

ciency program remain in effect until the utility exhausts the approved budget for the energy efficiency program.

*Patron - Wagner*

**SB1695 Public utilities; acquisition of rights-of-way for economic development sites.** Authorizes a public utility providing water, sewer, electric, or natural gas service to propose an Economic Development Program (Program) under which it may acquire utility right-of-way for one or more qualified economic development sites. A proposal for a Program is required to include an analysis of how acquiring the rights-of-way will enhance the Commonwealth's infrastructure and promote the Commonwealth's competitive business environment by improving the readiness of a qualified economic development site. The measure establishes criteria for the Virginia Economic Development Partnership Authority to certify that an industrial site is a qualified economic development site. The State Corporation Commission (SCC) is authorized to approve a proposal for a Program that satisfies certain conditions, including findings that (i) implementation of the Program will provide significant economic development benefits that might not otherwise be attained absent its approval and (ii) the Program is designed only to acquire utility rights-of-way to a qualified economic development site and not to provide service to other customers or potential customers. A utility's capital investment is capped at one percent of gross plant investment in the aggregate of all of the utility's Programs and at \$5 million for any specific qualified economic development site. This bill is identical to HB 2738.

*Patron - Wagner*

**SB1759 Underground utility lines pilot program; transportation infrastructure improvement; urban county executive form of government.** Establishes a pilot program under which the governing body of any locality operating under the urban county executive form of government (Fairfax County) may request an electric utility to place underground electric utility distribution lines in transportation projects to serve and facilitate the creation of transit-oriented development in such locality in conjunction with a transportation infrastructure improvement project that the Commonwealth Transportation Board identifies that reduces congestion, improves mobility, incorporates transit systems and improves safety. The measure provides that the locality and the utility shall enter into an agreement that provides that (i) the locality shall pay to the utility its full additional costs of relocating and converting that portion of the line located in the locality underground rather than overhead that are not recoverable under applicable rates, net of relocation credits, which costs shall include associated feasibility costs, or any smaller portion of such costs as the utility and the locality may agree; (ii) the locality shall impose an additional levy on electric utility customers in the locality in an amount sufficient to cover the utility's additional costs, which levy shall not exceed \$1 per month on residential customers and shall be collected by the utility on behalf of the locality; (iii) the utility shall convert, operate, and maintain the agreed portion of the line underground; and (iv) other terms and conditions on which the parties may agree shall be included in the agreement. The measure provides that upon presentation of the agreement to the Commonwealth Transportation Board, the Commissioner of Highways shall be responsible for securing the necessary easements and permits for the pilot program. The measure provides that the pilot program terminates on July 1, 2022.

*Patron - Surovell*

**SB1769 Electric utilities; net energy metering.** Establishes requirements for net energy metering by electric cooperatives effective upon the earlier of July 1, 2019, or the effective date of implementing regulations by the State Corpo-

ration Commission. Instances where the new net energy metering program's requirements differ from those of the existing program include (i) the cap on the capacity of generating facilities, which will initially be two percent of system peak for residential customers, two percent of system peak for not-for-profit and nonjurisdictional customers, and one percent of system peak for other nonresidential customers; (ii) authorizing an electric cooperative to raise these caps up to a cumulative total of seven percent of its system peak; (iii) legalizing third-party partial requirements power purchase agreements for those retail customers and nonjurisdictional customers of an electric cooperative that are exempt from federal income taxation; and (iv) establishing registration requirements for third-party partial requirements power purchase agreements, including a self-certification system under which a provider is required to affirm certain information to Commission staff, under penalty of revocation of its registration. The measure authorizes the board of directors of an electric cooperative to adjust its rates, terms, conditions, and rate schedules governing net energy metering and prohibits a cooperative after the date of such an adjustment from collecting stand-by charges. The measure authorizes an electric cooperative to adopt a new rate schedule or rider containing demand charges based upon a net energy metering customer's noncoincident peak demand and provides for alternative caps on its net energy metering program. The measure authorizes a cooperative's fixed monthly charge covering the fixed costs of owning and operating its electric distribution system as an alternative to volumetric charges associated with demand and to rebalance among any of the fixed monthly charge, distribution demand, and distribution energy charges. The measure authorizes an investor-owned utility participating in the pilot program for community solar development to move the Commission to make its pilot program permanent. The measure also requires Dominion Power to (a) convene a stakeholder process, using an independent facilitator, to make recommendations to the utility concerning issues related to the implementation of advanced metering technology and related investments in customer information systems; (b) submit to the Commission for approval retail rate schedules designed to offer time-varying pricing; and (c) submit to the Commission for approval an incentive program for the installation of solar equipment for customers served under time-varying retail rate schedules that have advanced-metering technology equipment.

*Patron - Sturtevant*

**SB1779 Electric utilities; municipal net energy metering.** Directs the State Corporation Commission to establish a pilot program that affords the opportunity for any locality to participate in net energy metering if it is a retail customer of a certain type of investor-owned electric utility. In order to qualify for the program, the locality is required to own and operate a renewable generating facility with a generating capacity of not more than two megawatts that is located on the municipality's premises and is intended primarily to offset all or part of the locality's own electricity requirements. Under the pilot program, a municipal customer-generator that generates electricity in amounts that exceed the amount of electricity consumed by the municipal customer-generator, determined annually, to credit one or more of the municipality's target metered accounts in order that the generation energy charges on the electric bills of the target's metered accounts are reduced by the amount of excess generation kilowatt hours apportioned to the metered account multiplied by the applicable generation energy rate of the target's accounts. In Appalachian Power's service territory, metered accounts of the public school division of a locality may be target accounts. The amount of generating capacity of all generating facilities that are the subject of a pilot program are limited to (i) five megawatts if Appalachian Power is the pilot program utility, though the utility may

increase the amount to up to 10 megawatts or (ii) 25 megawatts if Dominion Power is the pilot program utility. Such aggregated capacities of the generation facilities that are the subject of a pilot program constitute a portion of the existing limit of the utility's adjusted Virginia peak-load forecast of the previous year that is available to municipal customer-generators, eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the utility's service area. The duration of the pilot program is six years. This bill is identical to HB 2792.

*Patron - Ebbin*

## Failed

**HB1683 Electric cooperatives; rates.** Authorizes any electric cooperative to (i) increase or decrease its rates without State Corporation Commission approval for any of its services, rather than only for distribution services, at any time if such adjustments will not effect a cumulative net increase or decrease in excess of five percent in such rates in any three year period; (ii) if it does not hold a membership interest in a utility aggregation cooperative and the facility that is the subject of the petition is either owned by the cooperative or has achieved commercial operation, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the costs of generation facilities, underground facilities to replace certain existing overhead distribution facilities, or certain pumped hydroelectricity generation and storage facilities; (iii) adjust the total system cap for net energy metering, agricultural net energy metering, and small agricultural generators to up to five percent of the cooperative's highest total coincident system peak within the past five years; and (iv) subject to findings that it will not result in either an intra-class or inter-class change in cost recovery, adopt any rate, rate component, program, tariff, or terms or conditions of service that the Commission has previously approved for any other cooperative.

*Patron - Ware*

**HB1686 Electric utilities; limitations on fossil fuel facilities.** Prohibits the State Corporation Commission (SCC) from issuing on or after July 1, 2019, a certificate of public convenience and necessity or granting any other permit or approval required for the construction or operation by an electric utility of a new fossil fuel facility or for the expansion or continued operation of an existing fossil fuel facility before first approving the construction and placing in service of renewable energy generation facilities having in the aggregate a rated capacity of 5,500 megawatts. The measure also prohibits the SCC on or after July 1, 2019, from authorizing or permitting an electric utility or re-permitting an existing idle fossil fuel facility to increase purchases of electric power under any agreement with another person, if the electric power is or will be generated at a fossil fuel facility, before first approving the construction and placing in service of such renewable energy generation facilities.

*Patron - Reid*

**HB1718 Electric utilities; fuel cost recovery.** Requires an electric utility, as a condition of approval of any request by an electric utility for recovery through its fuel factor of costs incurred under a natural gas capacity contract not previously subject to review in a fuel factor case, to prove by a preponderance of the evidence that, at the time the contract giving rise to the costs for which recovery is sought was executed, the utility had (i) identified and determined the date and amount of new fueling resource it needed; (ii) objectively studied all available alternative fueling resource options, including options other than new capacity contract or contracts to meet

the identified and determined need; and (iii) concluded on the basis of such identifications, determinations, and studies that the pipeline capacity contract or contracts were the lowest-cost available option, taking into consideration fixed and variable costs and a reasonable projection of utilization.

*Patron - Ware*

**HB1789 Railroads; crew size; civil penalty.** Requires a train or light engine used in connection with the movement of railroad freight in the Commonwealth to operate with a crew of at least two individuals, unless such movement involves hostler service or utility employees in yard service. The State Corporation Commission shall have discretion to fine a person willfully violating this requirement an amount not to exceed \$500 for a first offense and an amount not to exceed \$1,000 for a second or subsequent offense. The measure has a delayed effective date of October 1, 2019.

*Patron - Heretick*

**HB1809 Electric utilities; renewable energy and energy efficiency programs.** Requires the State Corporation Commission to conduct annual proceedings to determine if Dominion Energy Virginia and Appalachian Power are making satisfactory efforts to meet objectives established in the 2018 Grid Transformation and Security Act with respect to solar-powered and wind-powered electric generation facilities and to energy efficiency programs. The measure includes levels of new construction of such generation facilities and of electricity consumption reductions that, if attained, will establish that satisfactory efforts are being made by the utility. The measure provides that if the Commission determines that the objectives are not being made, it is required to (i) determine the amount of investment that the utility would have had to make in order to have been found to have made satisfactory efforts to meet the objective and (ii) direct the utility to credit such amount to customers' bills.

*Patron - Gooditis*

**HB1869 Net energy metering; schools.** Directs Appalachian Power Company to conduct a pilot program, not exceeding 10 megawatts in the aggregate, under which any public school in the Commonwealth that generates more electricity from a wind-powered or solar-powered generation facility than it consumes in a billing period may either credit the excess electricity to the metered accounts of one or more other schools in the school division or be paid for the excess electricity at the contractually negotiated rate.

*Patron - Hurst*

**HB1902 Solar Demonstration Projects Grant Program.** Establishes the Solar Demonstration Projects Grant Program (the Program). The Program, to be administered by the Virginia Solar Energy Center, will make \$1 billion in grants available over three years to religious institutions (to the extent permitted under Article IV, Section 16 of the Constitution of Virginia), public schools, institutions of higher education, and localities in order to finance the installation and operation of solar photovoltaic energy generation systems. Grants may be used by the eligible entity to make payments (i) to an EPC firm that will install or operate the solar facility, which will be owned by the eligible entity, or (ii) to a third party that will own and operate the solar facility pursuant to a third-party power purchase agreement. The measure provides that the sale of electric power under a third-party power purchase agreement does not constitute a retail sale of electricity and is not subject to regulation by the State Corporation Commission. The measure establishes the Solar Energy Special Fund from which the grants are to be paid. Sources of moneys in the Fund include \$1 billion in voluntary contributions over three years that are required to be made by each Phase I Utility and each

Phase II Utility. The utilities are barred from recovering the contributed funds from ratepayers by raising electricity rates, adding fees, or other means. Of the grants awarded, 40 percent shall be awarded to congregations, 50 percent shall be awarded to educational institutions, and 10 percent shall be awarded to localities. The measure establishes a Community Advisory Board to oversee the implementation of the Program.

*Patron - Rasoul*

**HB1928 Renewable energy power purchase agreements; pilot programs.** Increases the aggregated capacity of all solar-powered or wind-powered generation facilities that are subject to third party power purchase agreements from 50 megawatts to 150 megawatts in Dominion Energy's pilot program and from seven to 21 megawatts in Appalachian Power's pilot program. The measure allows any public or private elementary or secondary school or any public or private institution of higher education to participate in Appalachian Power's pilot program; currently only nonprofit, private institutions of higher education may do so. The measure increases the maximum generation capacity of an eligible solar-powered or wind-powered generation facility from one megawatt to three megawatts. The measure also requires the State Corporation Commission to update its guidelines for the pilot program and repeals the sunset clause applicable to the pilot program in effect for Dominion Energy.

*Patron - Bulova*

**HB2112 Natural gas companies; right of entry upon property.** Curtails the ability of a natural gas company to enter upon real property for the purpose of conducting surveys and other tests for its proposed line or the location of facilities by requiring that entry for the selection of a route or facility location be for public use. The measure defines "public use" as existing if the general public has a right to a certain and definite use of a private property on terms and for charges fixed by law, and the owner of the property is compelled by law to permit the general public to enjoy it or its services, and further requires that any pipeline be obligated to serve the general public and be regulated in such obligation and to distribute gas to regulated public utilities or to natural gas distribution systems within the Commonwealth. The measure also (i) establishes a procedure for a landowner to obtain a temporary injunction against entry by a natural gas company in certain circumstances; (ii) authorizes a landowner who demonstrates that a natural gas company entered or attempted to enter the landowner's real property in violation of applicable requirements or violated such requirements by breaching any agreement reached pursuant to such requirements to recover a trespass penalty of \$500 per day per individual entering or attempting to enter the property or per individual granted permission to enter pursuant to agreement; (iii) authorizes the landowner or his agent to accompany surveyors and record or photograph survey activities; (iv) requires any notice of intent to enter to set forth the time and location where the first entry will occur and the duration of the surveys; and (v) requires any request for permission to inspect to be sent at least 21 days prior to any notice of intent to enter and include a description of each type of survey and each entity or agent proposed to make such survey.

*Patron - Hurst*

**HB2117 Electric utilities; retail competition; renewable energy.** Allows customers of an investor-owned electric utility to purchase electric energy provided 100 percent from renewable energy from any licensed supplier. The measure eliminates the condition that permits such purchases only if the investor-owned electric utility does not offer a tariff for 100 percent renewable energy. With regard to customers of an electric cooperative, the measure does not change the existing

provisions that allow (i) sales of renewable power by a competitive provider only if the utility does not offer an approved tariff for electric energy provided 100 percent from renewable energy and (ii) continued purchases of renewable energy under the terms of a power purchase agreement in effect when the incumbent utility files a tariff for 100 percent renewable energy.

*Patron - Mullin*

**HB2294 Electric and natural gas utilities; energy efficiency goals.** Requires investor-owned electric utilities, cooperative electric utilities, and investor-owned natural gas distribution utilities to meet incremental annual energy efficiency goals. Electric utilities are required to implement cost-effective energy efficiency measures to achieve the goal of two percent savings by 2034 and thereafter, with interim goals that start at 0.25 percent for 2020-2021 and increase in biennial increments of 0.25 percent until 2034. Gas utilities are required to achieve the goal of one percent savings by 2034 and thereafter, with interim goals that start at 0.125 percent for 2020-2021 and increase in biennial increments of 0.125 percent until 2034. The utilities are required to submit energy efficiency plans with the State Corporation Commission (SCC). The SCC (i) shall order changes to a plan submitted by a utility that does not demonstrate that the utility will achieve incremental annual energy efficiency goals; (ii) shall require utilities to commence compliance efforts with the incremental annual energy efficiency goals during calendar year 2020, though it may adjust the goal for 2020 if appropriate to address a partial year of implementation; (iii) may design performance incentives that reward utilities for exceeding efficiency goals; (iv) shall require utilities to report annually to the SCC on their efforts and progress in meeting the incremental annual energy efficiency goals; and (v) shall submit reports regarding compliance with the requirements of the incremental annual energy efficiency goals every five years.

*Patron - Sullivan*

**HB2295 Energy Efficiency Fund, Board, and Program.** Establishes the Energy Efficiency Fund (the Fund) with such funds as shall be appropriated and such other funds as it receives. Moneys in the Fund are to be used to finance cost-effective energy efficiency projects. The measure establishes the Energy Efficiency Board (the Board) to identify such projects and authorize the chairman to spend moneys in the Fund. The Board is directed to identify and provide funding for cost-effective energy efficiency projects that (i) give priority to funding cost-effective energy efficiency projects that will benefit low-income Virginians or assist multifamily projects and (ii) do not replace existing demand side management programs and other energy efficiency initiatives conducted by a public utility. The measure requires the Board to contract with an organization to implement any of the cost effective energy efficiency projects financed through the Fund.

*Patron - Sullivan*

**HB2329 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 elec-

tricity 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.

*Patron - Keam*

**HB2401 Public service corporations; statements of government influence spending.** Requires each public service corporation to file with the State Corporation Commission an annual statement of government influence spending that discloses each expenditure made by a public service corporation to influence government actions or public policy, including (i) lobbying expenditures, (ii) industry association dues, and (iii) payments made to any person that seeks to influence public policy. The measure requires the Commission to prepare summaries of the statements and to post the summaries and statements of government influence spending on its website.

*Patron - Roem*

**HB2469 Electric utility regulation; pilot program for undergrounding electrical transmission lines.** Provides that the State Corporation Commission's approval of a proposed transmission line for inclusion in a pilot program established as part of the "Grid Transformation and Security Act" enacted in 2018 (i) precludes the placement of future overhead electrical transmission lines of at least 69 kilovolts in the same area or corridor by other transmission projects and (ii) does not preclude the placement of electrical distribution lines in the same area or corridor. The pilot program provides for the underground construction of two electrical transmission lines, including one for the Haymarket transmission line project in Prince William County.

*Patron - Roem*

**HB2500 Electric utilities; mandatory renewable energy portfolio standard.** Replaces the existing voluntary renewable energy portfolio standard program with a mandatory renewable portfolio standard program that requires each investor-owned electric utility to generate or purchase, from facilities in the Commonwealth, increasing percentages of electric power that is generated from qualifying renewable sources. The required percentages start at a minimum of 20 percent of the total electric energy sold in 2020. The required percentages increase in steps until 2027; in that year and thereafter, at least 80 percent of the total electric energy sold is required to be generated from qualifying renewable sources. A utility that fails to comply with an RPS standard established for a year is required to pay a compliance fee of 10 cents for each kilowatt-hour by which it failed to meet the standard.

*Patron - Sullivan*

**HB2503 Public utilities; transactions with affiliates; fuel procurement arrangements.** Requires the State Corporation Commission to conduct a formal hearing before approving any changes to fuel procurement arrangements between affiliates of an electric utility or its parent company that will impact rate payers. The measure requires that the Commission, before approving any transaction or act with an affiliated interest, find that it is in the public interest. The measure also requires that Commission hearings on a public utility's transactions with an affiliate be formal hearings held after notice and opportunity to be heard. Currently the Commission may conduct informal hearings on such petitions. Finally, the measure requires that any contract or arrangement for fuel, materials, funding, or services to be provided directly or indi-

rectly to a utility by an affiliate be filed with the Commission and made available to the public for review without restrictions.

*Patron - Rasoul*

**HB2537 Electric utilities; notice before terminating service.** Directs that the requirement that electric utilities give customers 10 days' notice by mail prior to terminating service applies regardless of whether reasonable cause exists to believe the customer is receiving utility services without paying or that the utility's equipment has been damaged or tampered with to prevent the meter from recording usage. The measure provides that the requirement that a utility give 10 days' notice by mail prior to terminating service does not apply if (i) the condition of a customer's wiring, equipment, or appliances is either unsafe or unsuitable for receiving the utility service; (ii) the customer's use of the utility service or equipment interferes with or may be detrimental to the utility's facilities or to the provision of utility service by the utility to any other customer; or (iii) electric service is furnished over a line that is not owned or leased by the utility and the line is either not in a safe and suitable condition or is inadequate to receive electric utility service. The measure authorizes a customer to petition the State Corporation Commission for a review of an electric utility's determination that it is authorized to terminate the customer's electric service. The measure requires the 10-day termination notice to include a description of the customer's ability to petition the Commission for a review of the electric utility's determination.

*Patron - Tran*

**HB2573 Utility easements; pole attachments.** Declares that a public service company that has acquired a prescriptive easement that is used to provide electrical service is deemed to have the right to grant to a provider of broadband or other telecommunications services the right to attach its wires and appurtenant facilities to the public service company's poles, subject to the conditions that the public service company not charge pole attachment fees for five years and that the public utility and telecommunications service provider equally share the costs of making the poles ready.

*Patron - LaRock*

**HB2635 Social media websites; regulation as public service corporations.** Requires the State Corporation Commission to regulate as a public service corporation any social media website that is open to the public, that has more than 75 million subscribers, and that is not specifically affiliated with any one religion or political party from its inception. The measure prohibits such a website from using an assertion, opinion, or belief that religious or political speech constitutes hate speech as a basis for deleting or censoring a user's religious or political speech. The measure authorizes any user of such a regulated website to bring a civil action against its owner for intentionally deleting or censoring the user's religious or political speech in which the user may recover damages and attorney fees and costs.

*Patron - Cole*

**HB2641 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 con-

stitute 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.

*Patron - Gooditis*

**FHB2645 Electric utility regulation.** Prohibits public electric utilities from making nonessential expenditures, which includes expenditures related to lobbying, political contributions, certain advertising, and compensating any employee more than \$5 million a year. The measure requires public electric utilities to file annual reports on nonessential spending and requires the State Corporation Commission (SCC) to conduct annual proceedings to determine if an electric public utility has made any nonessential expenditures. If the SCC finds that such a utility has made if it has nonessential expenditures, the measure requires the SCC to order the amount thereof, or in the case of exceeding the compensation limit, 10 times the amount of the compensation in excess of the limit, to be refunded to the utility's customers. The measure directs the SCC to disallow an electric utility's request to recover fuel costs resulting from the purchase by the public utility or its affiliate or subsidiary of a greater amount of firm pipeline capacity for natural gas than the SCC finds is appropriate to ensure a reliable supply of natural gas. The measure requires the SCC to conduct a review of the rates, terms, and conditions for generation, distribution, and transmission services of Dominion Energy in 2019. The measure requires future reviews for Dominion Energy and AEP to be conducted biennially; currently, such reviews are scheduled to be conducted on a triennial basis. The measure requires the SCC to review audited financial reports of investor-owned electric utilities for every year since 2015. The measure requires the utilities to refund 90 percent of over-earnings once they exceed their authorized rate of return by 0.5 percent; currently, they are required to return 70 percent of over-earnings once they exceed their authorized rate of return by 0.7 percent. The measure abolishes the use of the peer group analysis when the SCC determines a utility's fair rates of return. In lieu of the peer group analysis, the measure requires the SCC to determine a fair rates of return based on a cost-of-service methodology. The measure directs the SCC to identify alternative forms of rate analysis such as performance-based testing and to report on such alternatives.

*Patron - Rasoul*

**FHB2667 Virginia Highway Corporation Act of 1988; tolls; distance-based pricing program.** Authorizes the operator of the Dulles Greenway to apply annually to the State Corporation Commission, during the period 2020 through 2029, for increases to tolls on the roadway to reflect increases in the Consumer Price Index plus one percent. The measure also requires the operator to complete by January 1, 2023, the construction and installation of improvements required to implement a distance-based pricing program for the roadway. Under the program, users will be charged tolls on the basis of the distance traveled. The operator is required to bear all expenses incurred in implementing the program. The Commission is directed to approve the program, provided that it satisfies conditions that, among other things, set tolls of \$0.95 per mile at all times other than peak hours.

*Patron - Bell, John J.*

**FHB2692 Sale of electricity to occupants of multi-family residential building.** Exempts the owner of a multi-family residential building from regulation as a public utility in connection with its sale of renewable electric energy generated

from a facility on or adjacent to the building to the building's occupants or for use in the building's common areas.

*Patron - Sullivan*

**FHB2697 Electric utilities; retail competition.** Shortens the period that a utility's customer who switches from an investor-owned electric utility to a licensed competing supplier is barred from returning as a customer of its utility from five years to 90 days.

*Patron - Toscano*

**FHB2799 Dulles Greenway.** Amends the powers and responsibilities of the State Corporation Commission (SCC) to regulate toll road operators under the Virginia Highway Corporation Act of 1988. The measure adds requirements that toll rates not materially discourage the public's use of the toll road, that the cost of operating the toll road be reasonably apportioned across all toll road users based on the relative distance each class of user travels on the toll road such that the toll rates are established in a reasonable and nondiscriminatory manner in relation to the benefit obtained, and that toll rates shall provide the operator with no more than a reasonable return. In addition, the measure (i) requires the SCC, by October 1, 2019, to initiate an investigation into the tolls charged by all operators subject to the Act and to issue a ruling by April 1, 2020, on its investigation as to whether the current tolls charged by the operator comply with such new requirements; (ii) prohibits the SCC from using the fact that any incremental return resulting from increased traffic related to a relative change in potential toll users that is greater than zero on a cumulative basis as the sole basis for finding that the operator's return exceeds a reasonable level as specified in such new requirements, during any future complaint proceeding; (iii) requires the SCC, in its initial investigation, to develop a baseline from which it can measure the relative change in potential toll users and directs how the incremental return shall be computed; (iv) prohibits an operator from seeking a toll increase that attempts to raise its return above the reasonable level; (v) requires the full disclosure, in public financial reports to the SCC, of the details of any related party transactions; and (vi) establishes a presumption that any related party transactions shall be presumed to be imprudent and excluded from costs used for any purpose, including but not limited to costs of lobbyists, excessive compensation, and entertainment expenses, unless the operator provides information showing that at least three separate competitive bids demonstrate that the operator could not have achieved better contract terms from a third party.

*Patron - LaRock*

**FSB1111 Electric utilities; rate abatement offsetting consequences of reduced consumption.** Requires each electric utility to provide eligible customers with a rate abatement that ensures that residential, commercial, and industrial customers are not subjected to higher rates per unit of consumption due to decreased consumption resulting from the customer's implementation of not less than \$10,000 in investments in energy efficiency. The abatement shall be provided for not less than 20 years following the completion of the material investment in energy efficiency or conservation products or services. The measure requires the State Corporation Commission to adopt regulations to implement this requirement.

*Patron - Marsden*

**FSB1133 Virginia Highway Corporation Act of 1988; tolls; distance-based pricing program.** Authorizes the operator of the Dulles Greenway to apply annually to the State Corporation Commission, during the period 2020 through 2029, for increases to tolls on the roadway to reflect increases in the Consumer Price Index plus one percent. The measure also requires the operator to complete by January 1, 2023, the

construction and installation of improvements required to implement a distance-based pricing program for the roadway. Under the program, users will be charged tolls on the basis of the distance traveled. The operator is required to bear all expenses incurred in implementing the program. The Commission is directed to approve the program, provided that it satisfies conditions that, among other things, set tolls of \$1 per mile at all times other than peak hours.

*Patron - Favola*

**SB1456 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 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.

*Patron - McClellan*

**SB1460 Renewable energy power purchase agreements; pilot programs.** Makes any educational institution eligible to participate in Appalachian Power Company's pilot program for certain third party power purchase agreements. With respect to Dominion Power's pilot program, the measure increases from 50 megawatts to 150 megawatts the aggregated capacity of all solar-powered or wind-powered generation facilities that are subject to the third party power purchase agreements. With respect to Appalachian Power Company's pilot program, the measure increases from seven megawatts to 21 megawatts the aggregated capacity of all solar-powered or wind-powered generation facilities that are subject to the third party power purchase agreements. The measure also increases from one megawatt to three megawatts the maximum size of any generation facility that is subject to the third party power purchase agreement. The measure also (i) repeals the sunset clause applicable to the pilot program in effect for Dominion Energy and (ii) authorizes the State Corporation Commission to update its relevant regulations.

*Patron - McClellan*

**SB1483 Net energy metering; schools.** Directs Appalachian Power Company to conduct a pilot program, not exceeding 10 megawatts in the aggregate, under which any public school in the Commonwealth that generates more electricity from a wind-powered or solar-powered generation facility than it consumes in a billing period may either credit the excess electricity to the metered accounts of one or more other schools in the school division or be paid for the excess electricity at the contractually negotiated rate.

*Patron - Deeds*

**SB1534 Coal combustion residuals; cleanup costs.** Authorizes an electric utility to recover the costs of the permitted cleanup in the Chesapeake Bay watershed of coal

combustion residuals that are generated from the burning of coal for the purpose of generating electricity. The bill provides that such cleanup costs shall be recovered over a 25-year period and shall not include any adjustments or compensation intended to compensate the utility for carrying costs, the length of the period of reimbursement, or interest on funds advanced by the utility or any rate of return on such funds. This bill was incorporated into SB 1355.

*Patron - Surovell*

**SB1583 Electric utilities; retail competition.** Shortens the period that a utility's customer who switches from an investor-owned electric utility to a licensed competing supplier is barred from returning as a customer of its utility from five years to 90 days.

*Patron - Suetterlein*

**SB1584 Electric utilities; retail competition; renewable energy.** Allows customers of an investor-owned electric utility to purchase electric energy provided 100 percent from renewable energy from any licensed supplier. The measure eliminates the condition that permits such purchases only if the investor-owned electric utility does not offer a tariff for 100 percent renewable energy. With regard to customers of an electric cooperative, the measure does not change the existing provisions that allow (i) sales of renewable power by a competitive provider only if the utility does not offer an approved tariff for electric energy provided 100 percent from renewable energy and (ii) continued purchases of renewable energy under the terms of a power purchase agreement in effect when the incumbent utility files a tariff for 100 percent renewable energy.

*Patron - Suetterlein*

**SB1648 Electric utilities; limitations on fossil fuel facilities.** Prohibits the State Corporation Commission (SCC) from issuing on or after July 1, 2019, a certificate of public convenience and necessity or granting any other permit or approval required for the construction or operation by an electric utility of a new fossil fuel facility or for the expansion or continued operation of an existing fossil fuel facility before first approving the construction and placing in service of renewable energy generation facilities having in the aggregate a rated capacity of 5,500 megawatts. The measure also prohibits the SCC on or after July 1, 2019, from authorizing or permitting an electric utility or re-permitting an existing idle fossil fuel facility to increase purchases of electric power under any agreement with another person, if the electric power is or will be generated at a fossil fuel facility, before first approving the construction and placing in service of such renewable energy generation facilities.

*Patron - Boysko*

**SB1654 Dulles Greenway.** Amends the powers and responsibilities of the State Corporation Commission (SCC) to regulate toll road operators under the Virginia Highway Corporation Act of 1988. The measure adds requirements that toll rates not materially discourage the public's use of the toll road, that the cost of operating the toll road be reasonably apportioned across all toll road users based on the relative distance each class of user travels on the toll road such that the toll rates are established in a reasonable and nondiscriminatory manner in relation to the benefit obtained, and that toll rates shall provide the operator with no more than a reasonable return. In addition, the measure (i) requires the SCC, by October 1, 2019, to initiate an investigation into the tolls charged by all operators subject to the Act and to issue a ruling by April 1, 2020, on its investigation as to whether the current tolls charged by the operator comply with such new requirements; (ii) prohibits the SCC from using the fact that any incremental return resulting

from increased traffic related to a relative change in potential toll users that is greater than zero on a cumulative basis as the sole basis for finding that the operator's return exceeds a reasonable level as specified in such new requirements, during any future complaint proceeding; (iii) requires the SCC, in its initial investigation, to develop a baseline from which it can measure the relative change in potential toll users and directs how the incremental return shall be computed; (iv) prohibits an operator from seeking a toll increase that attempts to raise its return above the reasonable level; (v) requires the full disclosure, in public financial reports to the SCC, of the details of any related party transactions; and (vi) establishes a presumption that any related party transactions shall be presumed to be imprudent and excluded from costs used for any purpose, including but not limited to costs of lobbyists, excessive compensation, and entertainment expenses, unless the operator provides information showing that at least three separate competitive bids demonstrate that the operator could not have achieved better contract terms from a third party.

*Patron - Stanley*

**SB1670 State Corporation Commission; pipeline facilities; inspection reports.** Requires the State Corporation Commission to make available for public inspection any records and reports regarding inspections by the Commission of pipeline facilities used in the intrastate transportation of gas. The measure provides certain exemptions to the disclosure requirement if such disclosure would jeopardize the safety or security of any person, structure, information technology system, or software program.

*Patron - Spruill*

**SB1711 Broadband service providers; fiber optic broadband lines; railroad crossings.** Establishes a procedure by which a broadband service provider may obtain approval to place its fiber optic broadband lines across a railroad right-of-way. The measure provides that a broadband service provider may submit to the railroad company a notice of intent to construct, accompanied by a specification exhibit and a standard crossing fee of \$800; if the railroad does not claim within 35 days that special circumstances exist or that the required specification exhibit is inadequate or incomplete, the broadband service provider is deemed to have authorization to commence placing the fiber optic broadband line across the railroad's right-of-way. The measure provides that a railroad company that believes that special circumstances exist may file a petition for relief with the State Corporation Commission. The bill requires the Commission to adopt regulations prescribing the terms and conditions for a crossing.

*Patron - Carrico*

**SB1714 Net energy metering; schools.** Directs Appalachian Power Company to conduct a pilot program, not exceeding 10 megawatts in the aggregate, under which any public school in the Commonwealth that generates more electricity from a wind-powered or solar-powered generation facility than it consumes in a billing period may either credit the excess electricity to the metered accounts of one or more other schools in the school division or be paid for the excess electricity at the contractually negotiated rate.

*Patron - Edwards*

**SB1780 Electric utility regulation.** Prohibits public electric utilities from making nonessential expenditures, which includes expenditures related to lobbying, political contributions, certain advertising, and compensating any employee more than \$5 million a year. The measure requires public electric utilities to file annual reports on nonessential spending and requires the State Corporation Commission (SCC) to conduct annual proceedings to determine if an electric public utility has

made any nonessential expenditures. If the SCC finds that such a utility has made if it has nonessential expenditures, the measure requires the SCC to order the amount thereof, or in the case of exceeding the compensation limit, 10 times the amount of the compensation in excess of the limit, to be refunded to the utility's customers. The measure directs the SCC to disallow an electric utility's request to recover fuel costs resulting from the purchase by the public utility or its affiliate or subsidiary of a greater amount of firm pipeline capacity for natural gas than the SCC finds is appropriate to ensure a reliable supply of natural gas. The measure requires the SCC to conduct a review of the rates, terms, and conditions for generation, distribution, and transmission services of Dominion Energy in 2019. The measure requires future reviews for Dominion Energy and AEP to be conducted biennially; currently, such reviews are scheduled to be conducted on a triennial basis. The measure requires the SCC to review audited financial reports of investor-owned electric utilities for every year since 2015. The measure requires the utilities to refund 90 percent of over-earnings once they exceed their authorized rate of return by 0.5 percent; currently, they are required to return 70 percent of over-earnings once they exceed their authorized rate of return by 0.7 percent. The measure abolishes the use of the peer group analysis when the SCC determines a utility's fair rates of return. In lieu of the peer group analysis, the measure requires the SCC to determine a fair rates of return based on a cost-of-service methodology. The measure directs the SCC to identify alternative forms of rate analysis such as performance-based testing and to report on such alternatives.

*Patron - Petersen*

## Religious and Charitable Matters; Cemeteries

Failed

**HB2742 Religious and charitable matters; charitable or civic organization contracts; report.** Requires the Commissioner of Agriculture and Consumer Services to submit an annual written report to the Governor and the General Assembly, by October 1 of each year, on (i) the number of charitable or civic organizations, professional fund-raising counsel, and professional solicitors registered in Virginia; (ii) the number of contracts or agreements between such registered professional fund-raising counsel or professional solicitors and such registered charitable or civic organizations; and (iii) compensation paid, in relation to funds raised and administrative costs, to any professional fund-raising counsel or professional solicitor registered in Virginia by a charitable or civic organization registered in Virginia.

*Patron - VanValkenburg*

## State Corporation Commission

Failed

**SB1115 State Corporation Commission; intervenor compensation.** Establishes a process under which a public interest organization or a retail customer, including an entity representing retail customers, of a public service company that intervenes in a utility proceeding is compensated for its expenses. To be eligible for compensation, the State Corporation Commission is required to find that the intervenor's partic-

ipation in the proceeding made a substantial contribution to the adoption of the Commission's order or decision, the intervenor's participation in the proceeding without an award of compensation imposes a significant financial hardship, and the intervenor represents an interest material to the proceeding which but for an award of compensation would not be adequately represented.

*Patron - Petersen*

## Taxation

### Passed

**HB1634 Additional sales and use tax in Halifax County; appropriations to incorporated towns for educational purposes.** Authorizes Halifax County to impose an additional local sales and use tax at a rate not to exceed one percent, as determined by the governing body, if initiated by a resolution of the local governing body and approved by the voters at a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed. Revenue from the tax shall be used solely for capital projects for new construction or major renovation of schools in Halifax County.

The bill removes the limit on the amount that Halifax County may appropriate to an incorporated town that has not complied with the provisions of its charter relating to the elections of local officials. Under current law, such amount is limited to the amount the town would have received from local sales and use tax for educational purposes if such election had been held.

*Patron - Edmunds*

**HB1650 Virginia Lottery Law; disclosure of a lottery winner's identity.** Prohibits the Virginia Lottery from disclosing information about individual winners whose prize exceeds \$10 million, and exempts such information from disclosure under the Freedom of Information Act (FOIA), unless the winner consents to disclosure. Under FOIA, disclosure of the winner's name, hometown, and amount won is currently mandatory. This bill is identical to SB 1060.

*Patron - Ware*

**HB1655 Real property tax exemption for disabled veterans; surviving spouses; ability to move to a different residence.** Enacts as statutory law an amendment to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia that was adopted by the voters on November 6, 2018, which applies the real property tax exemption for the surviving spouse of a disabled veteran to such spouse's principal place of residence regardless of whether such spouse moves to a different residence. The provisions of the bill would apply to taxable years beginning on and after January 1, 2019. The bill makes technical corrections related to the real property tax exemptions for surviving spouses of members of the armed forces killed in action and surviving spouses of certain persons killed in the line of duty. This bill is identical to SB 1270.

*Patron - Miyares*

**HB1679 Taxation of all-terrain vehicles, mopeds, and off-road motorcycles.** Clarifies the taxation of all-terrain vehicles, mopeds, and off-road motorcycles and provides that vehicles that qualify as farm equipment that is exempt from sales and use tax shall be exempt from the motor vehicle sales and use tax. The bill contains technical amendments related to the collection of the additional state sales and use tax within the Historic Triangle.

*Patron - Orrock*

**HB1681 Income tax credits; housing choice vouchers; eligible housing areas.** Expands the definition of "eligible housing area" for purposes of the housing choice voucher tax credit to include census tracts in the Virginia Beach-Norfolk-Newport News 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 Metropolitan Statistical Area. This bill is identical to SB 1656.

*Patron - Jones, J.C.*

**HB1722 Remote sales and use tax collection; sufficient activity by dealers and marketplace facilitators as to require registration for sales and use tax collection.** Directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019.

The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate.

The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser.

The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections. This bill is identical to SB 1083.

*Patron - Bloxom*

**HB1731 Local treasurers; recordkeeping.** Replaces the term "well-bound book" with "record" relating to local treasurers' required method of recordkeeping and clarifies that warrants include all forms of legal demand instruments.

*Patron - Brewer*

**HB1816 Land preservation tax credit; allowable time to claim credit.** Extends the amount of time a taxpayer is allowed to claim the land preservation tax credit to either (i) December 31 of the second year following the calendar year of the eligible conveyance if the conveyance was made on or after January 1, 2020 or (ii) December 31 of the third year following the calendar year of the eligible conveyance if the conveyance was made before January 1, 2020. Under current law, the credit must be claimed by December 31 of the first year following the calendar year of the conveyance.

*Patron - Fariss*

**HB1937 Real property tax; exemptions for elderly and handicapped; computation of income limitation.** Provides that, if a locality has established a real estate tax exemption for the elderly and handicapped and enacted an income limitation related to the exemption, the locality may exclude, for purposes of the limitation, any disability income received by a family member or nonrelative who lives in the dwelling and who is permanently and totally disabled.

*Patron - Krizek*

**HB1950 Retail sales and use tax exemption; non-profits; limited liability companies.** Provides that, for purposes of the retail sales and use tax exemption for nonprofit organizations, the exemption is available to a single member limited liability company whose sole member is a nonprofit organization.

*Patron - Webert*

**HB1974 Motor vehicle rental tax; filing returns.** Removes the requirement that the renter of a motor vehicle file a monthly motor vehicle rental tax return with the Tax Commissioner even though the dealer is not liable to remit any tax for the period covered by the return.

*Patron - Bell, Robert B.*

**HB2003 Major business facility job tax credit; extension; access to information.** Extends the sunset date of the major business facility job tax credit from January 1, 2020, to July 1, 2022. The bill also requires the Department of Taxation, for taxable years beginning on and after January 1, 2019, to publish the following information about companies that are using the credit: (i) locations of sites used for major business facilities for which a credit was claimed, (ii) North American Industry Classification System codes used for the major business facilities for which a credit was claimed, (iii) number of qualified full time employees for whom a credit was claimed, and (iv) total cost to the Commonwealth's general fund of the credits claimed.

*Patron - Aird*

**HB2060 Real estate with delinquent taxes or liens; appointment of special commissioner; increase required value.** Increases the required assessed value of property for the purpose of a locality appointing a special commissioner to convey property with delinquent taxes or liens to the locality in lieu of sale at public auction (i) from \$100,000 to \$150,000 in Norfolk, Richmond, Hopewell, Newport News, Petersburg, Fredericksburg, and Hampton and (ii) from \$50,000 to \$75,000 in all other localities.

*Patron - Carr*

**HB2065 Telework expenses tax credit; expiration.** Advances expiration of the telework expenses tax credit to January 1, 2019. Under current law, the tax credit will expire on January 1, 2022.

*Patron - Carr*

**HB2150 Real property tax exemption for the elderly and disabled; improvements to a dwelling.** Provides that, for purposes of the real property tax exemption for the elderly and disabled, certain improvements to exempt land and the land such improvements are situated on shall be included as part of the dwelling and exempt from tax. This bill is identical to SB 1196.

*Patron - Ingram*

**HB2339 Department of Taxation; sharing information with the Department of Social Services.** Authorizes the Department of Taxation to share certain specified tax infor-

mation with the Department of Social Services as necessary to administer public assistance and social services benefits or child support services. This bill received Governor's recommendations.

*Patron - Roem*

**HB2365 Special assessment for land preservation; optional limit on annual increase in assessed value.** Authorizes localities that require use value assessment and taxation to provide by ordinance that the annual increase in the assessed value of eligible property shall not exceed a specified dollar amount per acre.

*Patron - Knight*

**HB2405 Real estate with delinquent taxes or liens; appointment of special commissioner.** Adds Martinsville to the list of cities with different requirements for the appointment of a special commissioner to execute the necessary deed to convey property with delinquent taxes or liens to the locality in lieu of a sale at public auction.

*Patron - Adams, L.R.*

**HB2440 Intangible personal property; classification and exemption of certain business property.** Classifies as intangible property, and exempts from taxation, personal property that is employed in a trade or business, has an original cost of less than \$25, and is not classified as machinery and tools, merchants' capital, or short-term rental property.

*Patron - Campbell, R.R.*

**HB2482 Land preservation tax credits; operation of facility on donated land; agreements between the Commonwealth and a third party related to donated land.** Provides that if Virginia or one of its political subdivisions operates a facility on land donated for a land preservation tax credit, including charging fees for the use of such facility, such operation of a facility shall not disqualify the donation from eligibility for the credit, so long as any fees are used for conservation or preservation purposes. The bill provides that if Virginia or one of its political subdivisions contracts with a third party to manage a facility on donated land, such agreement shall not disqualify the donation from eligibility for the credit, so long as such agreement is for conservation or preservation purposes.

*Patron - Hodges*

**HB2526 Income tax; definition of resident estate or trust.** For income tax purposes, changes the definition of "resident estate or trust" to no longer include an estate or trust which is being administered in the Commonwealth. This bill is identical to SB 1205.

*Patron - Hugo*

**HB2529 Income tax; conformity.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, effective starting in taxable year 2018. Starting in taxable year 2019, the bill deconforms from the provisions of the federal Tax Cuts and Jobs Act (TCJA) that limit the deduction for state and local taxes and that suspend the overall limit on itemized deductions.

The bill establishes income tax subtractions starting in taxable year 2018 for Global Intangible Low-Taxed Income (GILTI) and for one-fifth of the amount of business interest that is disallowed as a deduction from federal income tax.

The bill increases the standard deduction to \$4,500 for single individuals and \$9,000 for married persons filing jointly for taxable years 2019 through 2025. Under current law, the standard deduction is \$3,000 for single individuals and \$6,000 for married couples filing jointly.

The bill provides for a refund, not to exceed a taxpayer's tax liability of up to \$110 for individuals and \$220 for married persons filing a joint return. The refund will be issued in October 2019 and will be available only for a taxpayer filing a final return by July 2019. The refunds will be reduced and prorated if the additional revenues generated by the TCJA are insufficient to fully fund the refunds.

The bill establishes the Taxpayer Relief Fund (the Fund). For fiscal years 2019 through 2025, any additional revenues attributable to the TCJA, beyond those necessary to fund the provisions of the bill, would accrue to the Fund. The bill directs the General Assembly to appropriate money from the Fund to enact permanent or temporary tax reform measures. The bill contains an emergency clause and is identical to SB 1372.

*Patron - Hugo*

**HB2539** **Sunset date for worker retraining tax credit; worker training investment tax credit.** Advances the sunset date of the worker retraining tax credit from January 1, 2022, to January 1, 2019, and creates the worker training investment tax credit to replace it beginning with taxable year 2019. The worker training investment tax credit is a modification of the worker retraining tax credit. Credit is allowed to businesses who provide (i) eligible worker training, defined in the bill, or (ii) manufacturing instruction to students. The provisions relating to manufacturing instruction are identical to those in the expiring worker retraining tax credit.

In order to receive credit for eligible worker training, the business must provide training that (a) grants a workforce credential or (b) is part of an apprenticeship agreement approved by the Commissioner of Labor and Industry. In addition, the recipient of the training must be a qualified employee or non-highly compensated worker, as defined in the bill. The credit equals 35 percent of the expenses incurred by the business in providing the eligible worker training. For the training of a qualified employee, the maximum credit per employee is \$500 and for the training of a non-highly compensated worker, the maximum credit per worker is \$1,000.

The manufacturing provisions of the tax credit may be claimed for taxable years beginning before January 1, 2022, and the eligible worker training provisions of the tax credit may be claimed for taxable years beginning before July 1, 2022.

*Patron - Byron*

**HB2540** **Sales and use tax; reduced rate on essential personal hygiene products.** Applies the reduced state sales and use tax rate of 1.5%, which under current law applies only to food purchased for human consumption, to essential personal hygiene products, defined in the bill as (i) nondurable incontinence products such as diapers, disposable undergarments, pads, and bed sheets; and (ii) menstrual cups and pads, pantyliners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow. The bill has a delayed effective date of January 1, 2020. This bill is identical to SB 1715.

*Patron - Byron*

**HB2555** **Local gas severance tax; sunset date.** Extends the sunset date from January 1, 2020, to January 1, 2022, for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. This bill is identical to SB 1165.

*Patron - Pillion*

**HB2705** **Historic rehabilitation tax credit.** Provides that the \$5 million per year limit on the amount of historic rehabilitation tax credit that may be claimed by each taxpayer, which currently expires on January 1, 2019, shall apply to all future taxable years.

*Patron - Bloxom*

**HB2733** **Personal property tax; exemption for agricultural vehicles.** Provides that, for purposes of the optional local personal property tax exemptions for motor vehicles, trucks, and tractors, the exemption shall apply if the vehicle is used primarily for agricultural purposes. Under current law, the exemption applies only if the vehicle is used exclusively for agricultural purposes.

The bill also provides that, for purposes of the optional local personal property tax exemption for farm vehicles, such exemption shall apply to equipment used by a nursery for the production of horticultural products and to any farm tractor.

*Patron - Webert*

**HB2768** **Clerks of court; disclosure of tax information.** Broadens an exemption that allows beneficiaries and heirs to obtain confidential information about an estate from a clerk of court so that it also includes the commissioner of accounts making a settlement of accounts filed in such estate.

*Patron - Campbell, R.R.*

**HB2776** **Income tax; modification for certain companies; grants; Page County.** Adds Page County to the list of qualified localities in which a company may invest to become eligible for income tax modification. Under current law, a company is eligible for such modification if, among other things, it either (i) invests at least \$5 million in new capital investment in a qualified locality and creates at least 10 jobs paying at least 150 percent of the minimum wage in a qualified locality or (ii) creates at least 50 jobs paying at least 150 percent of the minimum wage in a qualified locality. This bill is identical to SB 1428.

*Patron - Gilbert*

**HB2811** **Tax-exempt pollution control facilities; certifying authority; Virginia Department of Health.** Adds to the duties of the Virginia Department of Health the duty of serving as a state certifying authority in determining conformity with state requirements for certain tax-exempt water pollution control projects. Under current law, the State Water Control Board is the only state certifying authority for water pollution projects. The bill contains an emergency clause.

*Patron - Webert*

**SB1015** **Education Improvement Scholarships tax credits; pre-kindergarten eligibility.** Expands the Education Improvement Scholarships tax credits program by including, as eligible scholarship recipients, children enrolled in or attending nonpublic pre-kindergarten programs whose parents or guardians were unable to obtain services for the children through the Virginia Preschool Initiative. The maximum annual scholarship that a child admitted to, enrolled in, or attending a nonpublic pre-kindergarten program will receive is the lesser of the child's actual educational expenses or the state's share of the grant per child under the Virginia Preschool Initiative for the locality in which the child resides.

Under current law, tax credits are awarded to individuals and businesses making donations to nonprofit scholarship foundations using the donated funds to award scholarships to certain students in grades K-12 attending nonpublic schools. Eligible scholarship recipients are students in grades K-12 with a final-

ized individualized education program (IEP) in place or whose annual household income is not in excess of 300 percent of the federal poverty guidelines.

The bill defines an eligible pre-kindergarten child and a non-public pre-kindergarten program and includes several other curriculum and administrative requirements that must be met by a nonpublic pre-kindergarten program in order for children attending the program to be eligible to receive scholarships under the tax credit program. Under the bill, the Virginia Council for Private Education or the Virginia Early Childhood Foundation will certify nonpublic pre-kindergarten programs meeting such curriculum and administrative requirements.

The bill also reduces the penalty for failure to fully disburse all donations received from 200 percent of the difference between 90 percent of the value of the donations it received and the amount disbursed to 100 percent of the difference.

*Patron - Stanley*

**SB1060 Virginia Lottery Law; disclosure of a lottery winner's identity.** Prohibits the Virginia Lottery from disclosing information about individual winners whose prize exceeds \$10 million, and exempts such information from disclosure under the Freedom of Information Act (FOIA), unless the winner consents to disclosure. Under FOIA, disclosure of the winner's name, hometown, and amount won is currently mandatory. This bill incorporates SB 1082 and is identical to HB 1650.

*Patron - Spruill*

**SB1083 Remote sales and use tax collection; sufficient activity by dealers and marketplace facilitators as to require registration for sales and use tax collection.** Directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019. The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate. The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser. The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections. The bill incorporates SB 1120, SB 1267, SB 1294, SB 1337, SB 1390, SB 1500, SB 1601, and SB 1767 and is identical to HB 1722.

*Patron - Ruff*

**SB1126 Lottery Board; regulation of casino gaming; penalties.** Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). Casino gaming shall be limited to certain cities that

meet the criteria that is outlined in the bill, and a referendum must be passed in the city on the question of allowing casino gaming in the city. The bill requires the Joint Legislative Audit and Review Commission (JLARC) to conduct a review of casino gaming laws in other states and report its findings to the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on General Laws on or before December 1, 2019. The bill contains enactment clauses that prohibit (i) any referendum from being held prior to the publication of the JLARC findings and recommendations regarding casino gaming or after January 1, 2021, and (ii) the Board from issuing a license to operate a gaming operation before July 1, 2020. The bill also provides that amendments to the Code of Virginia that are made in the bill will not become effective unless reenacted by the 2020 Session of the General Assembly.

*Patron - Lucas*

**SB1165 Local gas severance tax; sunset date.** Extends the sunset date from January 1, 2020, to January 1, 2022, for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. This bill is identical to HB 2555.

*Patron - Chafin*

**SB1196 Real property tax exemption for the elderly and disabled; improvements to a dwelling.** Provides that, for purposes of the real property tax exemption for the elderly and disabled, certain improvements to exempt land and the land such improvements are situated on shall be included as part of the dwelling and exempt from tax. This bill is identical to HB 2150.

*Patron - Dance*

**SB1205 Income tax; definition of resident estate or trust.** For income tax purposes, changes the definition of "resident estate or trust" to no longer include an estate or trust which is being administered in the Commonwealth. This bill is identical to HB 2526.

*Patron - Stuart*

**SB1256 Virginia taxable income; subtraction for gain from taking by eminent domain.** Creates an income tax subtraction for gain recognized by a taxpayer from a taking of real property by condemnation proceedings.

*Patron - Ruff*

**SB1270 Real property tax exemption for disabled veterans; surviving spouses; ability to move to a different residence.** Enacts as statutory law an amendment to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia that was adopted by the voters on November 6, 2018, which applies the real property tax exemption for the surviving spouse of a disabled veteran to such spouse's principal place of residence regardless of whether such spouse moves to a different residence. The provisions of the bill would apply to taxable years beginning on and after January 1, 2019. The bill makes technical corrections related to the real property tax exemptions for surviving spouses of members of the armed forces killed in action and surviving spouses of certain persons killed in the line of duty. This bill is identical to HB 1655.

*Patron - Stuart*

**SB1301 Private collectors; delinquent taxes and other charges.** Allows a local treasurer to employ private collections agents to assist with the collection of delinquent amounts due other than delinquent local taxes. Current law

allows only for the collection of delinquent taxes by private collections agents.

*Patron - Edwards*

**SB1365 Education Improvement Scholarships tax credits; benefits and eligibility requirements; eligible students with a disability.** Increases the scholarship amount available for an eligible student with a disability from 100 percent to 300 percent of the per pupil amount distributed to the local school division as the state's share of the standards of quality costs, or the actual qualified educational expenses of the student, whichever is less. The bill broadens the definition of "eligible student with a disability" to include any child who is a resident of Virginia for whom an Individualized Education Plan (IEP) has been written and finalized in accordance with the federal Individuals with Disabilities Education Act (IDEA). In addition, the family household income of the eligible student with a disability who is receiving the scholarship must not exceed 400 percent of the federal poverty level.

The bill also provides that an eligible student with a disability may only receive the increased amount of scholarship funds if they attend a school for students with disabilities that (i) is licensed by the Department of Education to serve students with disabilities, (ii) complies with the nonpublic school accreditation requirements of the Virginia Association of Independent Schools, (iii) is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, and (iv) does not receive public funds to supplement the cost of the education of the eligible student with a disability who is receiving the scholarship. The provisions of this bill shall apply to taxable years beginning on and after January 1, 2019, but before January 1, 2024.

*Patron - DeSteph*

**SB1371 Cigarette taxes; definitions of noncombustible tobacco products.** Defines, for purposes of cigarette taxes, alternative nicotine product, heated tobacco product, liquid nicotine, and nicotine vapor product. The bill also provides that the definition of cigarette includes only nicotine-containing products that produce smoke from combustion. The bill extends from November 2018 to November 2019 the conclusion of a study by the Joint Subcommittee to Evaluate Tax Preferences of options for the modernization of cigarette taxes and possible reforms to the taxation of tobacco products that will provide fairness and equity for all local governments. The bill incorporates SB 1252.

*Patron - Norment*

**SB1372 Income tax; conformity.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, effective starting in taxable year 2018. Starting in taxable year 2019, the bill deconforms from the provisions of the federal Tax Cuts and Jobs Act (TCJA) that limit the deduction for state and local taxes and that suspend the overall limit on itemized deductions.

The bill establishes income tax subtractions starting in taxable year 2018 for Global Intangible Low-Taxed Income (GILTI) and for one-fifth of the amount of business interest that is disallowed as a deduction from federal income tax.

The bill increases the standard deduction to \$4,500 for single individuals and \$9,000 for married persons filing jointly for taxable years 2019 through 2025. Under current law, the standard deduction is \$3,000 for single individuals and \$6,000 for married couples filing jointly.

The bill provides for a refund, not to exceed a taxpayer's tax liability of up to \$110 for individuals and \$220 for married persons filing a joint return. The refund will be issued in October

2019 and will be available only for a taxpayer filing a final return by July 2019. The refunds will be reduced and prorated if the additional revenues generated by the TCJA are insufficient to fully fund the refunds.

The bill establishes the Taxpayer Relief Fund (the Fund). For fiscal years 2019 through 2025, any additional revenues attributable to the TCJA, beyond those necessary to fund the provisions of the bill, would accrue to the Fund. The bill directs the General Assembly to appropriate money from the Fund to enact permanent or temporary tax reform measures.

The bill contains an emergency clause and is identical to HB 2529.

*Patron - Norment*

**SB1425 Local license tax; mobile food units.** Provides that when the owner of a mobile food unit, defined as a restaurant mounted on wheels and readily moveable at any time during its operation, pays a license tax in the locality in which the mobile food unit is registered, no other license shall be required in any other locality in the Commonwealth. The exemption from paying the license tax in other localities will expire two years after the payment of the initial license tax in the locality in which the mobile food unit is registered. During the two-year exemption period, the owner may exempt up to three mobile food units from license taxation in other localities. Regardless of any license tax exemption, the owner must register with the commissioner of the revenue or director of finance in any locality in which he conducts business.

*Patron - Dunnivant*

**SB1428 Income tax; modification for certain companies; grants; Page County.** Adds Page County to the list of qualified localities in which a company may invest to become eligible for income tax modification. Under current law, a company is eligible for such modification if, among other things, it either (i) invests at least \$5 million in new capital investment in a qualified locality and creates at least 10 jobs paying at least 150 percent of the minimum wage in a qualified locality or (ii) creates at least 50 jobs paying at least 150 percent of the minimum wage in a qualified locality. This bill is identical to HB 2776.

*Patron - Obenshain*

**SB1588 Partial exemption from real property taxes for flood mitigation efforts.** Codifies an amendment to Article X, Section 6 of the Constitution of Virginia that was adopted by the voters on November 6, 2018, which enables a locality to provide by ordinance a partial exemption from real property taxes for flooding abatement, mitigation, or resiliency efforts for improved real estate that is subject to recurrent flooding. The bill provides that exemptions may only be granted for qualifying flood improvements. Qualifying flood improvements are defined in the bill as improvements that do not increase the size of any impervious area and are made to qualifying structures or to land. Qualifying structures are defined as structures that were completed prior to July 1, 2018, or were completed more than 10 years prior to the completion of the improvements. For improvements made to land, the improvements must be made primarily for the benefit of one or more qualifying structures. No exemption shall be granted for any improvements made prior to July 1, 2018.

The locality is granted the authority to (i) establish flood protection standards that qualifying flood improvements must meet in order to be eligible for the exemption; (ii) determine the amount of the exemption; (iii) set income or property value limitations on eligibility; (iv) provide that the exemption shall only last for a certain number of years; (v) determine, based

upon flood risk, areas of the locality where the exemption may be claimed; and (vi) establish preferred actions for qualifying for the exemption, including living shorelines.

*Patron - Lewis*

**SB1610 Recordation tax; exemption for property transferred by deed of distribution.** Provides that no recordation tax shall be required for the recordation of a deed of distribution, which is defined in the bill, when no consideration has passed between the parties. The bill also provides that a deed of distribution must state on its front page that it is a deed of distribution.

*Patron - McDougle*

**SB1615 Retail sales and use tax; absorption of tax by a dealer.** Authorizes a dealer to absorb all or a portion of the sales and use tax due on an item, so long as the dealer separately states the full amount of the tax due at the point of the sale or transaction and remits the full amount due to the Department of Taxation with the return covering the period in which the sale or transaction took place.

*Patron - McDougle*

**SB1652 Virginia port volume increase tax credit; transfer of credits.** Allows a taxpayer granted Virginia port volume increase tax credits to transfer unused credits to another taxpayer. The tax credit may be applied retroactively by the transferee to the date that the credits were originally issued so long as the statute of limitations for filing an amended return has not expired. Any transfer of credits shall occur within one calendar year of the credit holder earning the credit. Only tax credits issued in taxable years beginning on and after January 1, 2018, but before January 1, 2022, shall be transferable.

*Patron - Lucas*

**SB1656 Income tax credits; housing choice vouchers; eligible housing areas.** Expands the definition of "eligible housing area" for purposes of the housing choice voucher tax credit, to include census tracts in the Virginia Beach-Norfolk-Newport News 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 Metropolitan Statistical Area. This bill is identical to HB 1681.

*Patron - Cosgrove*

**SB1715 Sales and use tax; reduced rate on essential personal hygiene products.** Applies the reduced state sales and use tax rate of 1.5%, which under current law applies only to food purchased for human consumption, to essential personal hygiene products, defined in the bill as (i) nondurable incontinence products such as diapers, disposable undergarments, pads, and bed sheets; and (ii) menstrual cups and pads, pantyliners, sanitary napkins, tampons, and other products used to absorb or contain menstrual flow. The bill has a delayed effective date of January 1, 2020. This bill is identical to HB 2540.

*Patron - Boysko*

**SB1752 Virginia Lottery; ticket discounting; civil penalties.** Prohibits the practice of ticket discounting, defined in the bill, and imposes three-tier civil penalties, corresponding to prize ranges, for any persons found to have engaged in such practice.

*Patron - Ruff*

## Failed

**HB1618 Individual income tax; itemization; emergency.** Allows an individual taxpayer to itemize for state income tax purposes regardless of whether he itemizes on his federal return for taxable years 2018 through 2025. Current law requires a taxpayer to claim the standard deduction on his state return if he claims the standard deduction on his federal return. The bill contains an emergency clause.

*Patron - Bell, Richard P.*

**HB1638 Virginia Lottery; repeal prohibition against sale of lottery tickets over the Internet; sports betting; Problem Gambling Treatment and Support Fund; Major Research Project Subfund; Sports Betting Operations Fund; penalties.** Directs the Virginia Lottery (the Lottery) to regulate sports betting. Before administering a sports betting operation, an entity is required to apply for a three-year permit and pay an application fee of \$250,000. Permit holders must apply for renewal of a permit every three years, which includes a renewal fee of \$200,000. The Director may issue up to five permits at one time. Under the provisions of the bill, betting on Virginia college sports and youth sports is prohibited, and betting on professional sports and other college sports is allowed. The bill prohibits betting by Lottery employees, participants in athletic events on which the bet is placed, and persons under age 21. The penalty for engaging in prohibited betting is a Class 1 misdemeanor. The bill directs the Lottery to establish a voluntary exclusion program, which would allow individuals to request that the Lottery exclude them from buying lottery tickets or participating in sports betting. The bill imposes a 15% tax on a permit holder's adjusted gross revenue, defined in the bill. The Lottery would retain 2.5% of the tax revenue to defray its costs of administering the program. The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services. The Fund would be used to provide counseling to compulsive gamblers, implement problem gambling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund would be funded by 2.5% of the revenue generated from sports betting. The remaining 95% of tax revenue generated from sports betting accrues to the Major Research Project Subfund, a subfund of the Virginia Research Investment Fund created by the bill, to be used to fund grants or loans of at least \$10 million. The bill requires the MEI Project Approval Commission to review grants or loans from the Subfund. The bill authorizes the Lottery to sell tickets over the Internet. Under current law, it is prohibited from doing so.

*Patron - Sickles*

**HB1669 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. 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.

*Patron - Carr*

**HB1672 Income tax credit for paid leave for organ donors.** Establishes a tax credit, for taxable years 2019 through 2023, of 35 percent of an employer's expenses in pro-

viding paid leave to an employee for the purpose of making an organ donation. The credit is available for expenses related to a leave period of up to 10 days and includes only those expenses incurred paying an employee during his leave period or for the cost of temporary replacement help. Expenses are not eligible for the credit if the employee earns \$80,000 or more per year. The credit is nonrefundable but may be carried forward for up to five years.

*Patron - Mullin*

**HB1703 Taxation of aviation jet fuel; distribution of certain revenues to Metropolitan Washington Airports Authority.** Imposes a tax at a rate of five cents per gallon on aviation jet fuel purchased or used by an airline licensed by the Federal Aviation Administration with more than eight billion passenger-miles originating at Virginia airports during the calendar year and any regional air carrier contracting with such airline. The bill disburses revenue from the tax to the Metropolitan Washington Airports Authority (the Authority), provided that the Authority enters into an agreement to use the proceeds to finance Phase 2 of the Dulles Corridor Metrorail project and to reduce toll rates on users of the Dulles Toll Road. If the Authority does not enter into such an agreement, the bill prohibits the Department of Aviation from disbursing any revenue from taxes on aviation fuel to the Authority.

*Patron - Guzman*

**HB1727 Virginia Lottery; personal identifying information of prize winners; Virginia Freedom of Information Act (FOIA).** Provides that a lottery prize winner may request the Virginia Lottery to withhold from public disclosure his name and other personal identifying information for a period of one year after the date of winning the prize, except that the prize amount and the hometown of the prize winner shall continue to be disclosed as provided in current law. The bill also amends the FOIA exemption for the Virginia Lottery to provide that the personal identifying information of a lottery winner is exempt from mandatory disclosure for one year if the lottery winner has opted to have his personal identifying information withheld from disclosure.

*Patron - Reid*

**HB1756 Income tax; subtraction for military veterans with a permanent service-connected disability.** Establishes for taxable years beginning January 1, 2019, an individual income tax subtraction for the military retirement income of veterans with a 100 percent service-connected, permanent, and total disability. The bill provides that the subtraction is available only for taxpayers whose federal adjusted gross income is no greater than 150 percent of the federal poverty level for a four-person household.

*Patron - Miyares*

**HB1778 Transient occupancy tax; state parks.** Permits localities to impose transient occupancy taxes on transient room rentals and travel campgrounds in state parks.

*Patron - Bloxom*

**HB1851 Virginia income tax; emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, starting with taxable year 2018. The bill increases, starting with taxable year 2019, the amount of the standard deduction (i) from \$3,000 to \$6,000 for an individual or for married persons filing separately and (ii) from \$6,000 to \$12,000 for married persons filing jointly. Starting in 2020, the bill adjusts Virginia's standard deduction by the percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous taxable year. In taxable year 2026, the standard deduction would return to \$3,000 for an individual or a mar-

ried person filing jointly and \$6,000 for married persons filing jointly, coincident with the expiration of the individual income tax provisions of the federal Tax Cuts and Jobs Act (TCJA). Beginning in taxable year 2020, the individual tax brackets and the personal deductions will also be adjusted by the percentage increase of the C-CPI-U for the previous taxable year.

The bill reduces the corporate income tax from its current rate of six percent to five and one-half percent in 2018 and to five percent in 2019 and subsequent years. The bill provides that any additional revenues generated by the TCJA, beyond those revenues necessary to offset the reduction in revenues resulting from the provisions of the bill, shall be transferred to the Tax Policy Fund, created by the bill, to be used to provide tax reform to Virginia taxpayers starting in fiscal year 2020. The bill contains an emergency clause.

*Patron - Peace*

**HB1890 Lottery Board; regulation of casino gaming; penalties.** Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). The bill specifies the licensing requirements for casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. Casino gaming shall be limited to any city in which at least 40 percent of the land area is exempt from local real property taxation pursuant to federal law or specified sections of the Constitution of Virginia or any city that had a rate of unemployment at least four percentage points higher than the statewide average, a poverty rate of at least 22 percent, and a population decrease in the locality of at least 20 percent from the previous year, all computed as of November 2017, and located adjacent to a state that has adopted a Border Region Retail Tourism Development District Act. The bill imposes a tax of 10 percent on the adjusted gross receipts of licensees and provides for how the tax proceeds are disbursed. In addition, a referendum must be passed in the city on the question of allowing casino gaming in the city. The bill requires the Board to establish and implement a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill also establishes the Problem Gambling Treatment and Support Fund administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to support organizations that provide assistance to compulsive gamblers.

*Patron - James*

**HB1946 Local cigarette tax; authority of certain counties; use of proceeds for school construction.** Authorizes any county to impose a local cigarette tax, provided it uses the revenues to fund the construction or improvement of local elementary or secondary schools. Under current law, only Arlington and Fairfax Counties are authorized to impose a local cigarette tax.

*Patron - Campbell, J.L.*

**HB1948 Local salt severance license taxes.** Authorizes any county or city to levy a license tax on every person engaging in the business of severing salt from the earth at a rate of up to one percent of the fair market value of salt severed within such county or city. All taxes levied pursuant to this section shall be paid to the locality in which the salt is severed. The bill provides requirements for the levying of such tax.

*Patron - Campbell, J.L.*

**HB1980 Income tax; conformity; increase in standard deduction; emergency.** Advances conformity of the

Commonwealth's tax code with the federal tax code to December 31, 2018, and conforms to federal provisions that Virginia previously deconformed from, including the bonus depreciation deduction and the carry back of net operating losses.

The bill increases, for taxable years 2018 through 2025, the amount of the standard deduction to \$6,000 for single individuals and married individuals filing separately and \$12,000 for married couples. Under current law, the standard deduction is \$3,000 for single individuals and married individuals filing separately and \$6,000 for married couples. The bill contains an emergency clause.

*Patron - McNamara*

**HB2029 Income tax; definition of resident estate or trust.** For income tax purposes, changes the definition of "resident estate or trust" to no longer include an estate or trust which is being administered in the Commonwealth.

*Patron - Murphy*

**HB2070 Tax deduction for energy saving products.** Establishes a tax deduction for the amount a taxpayer pays for energy saving products, not to exceed \$10,000. Energy saving products are defined as being either (i) solar panels or (ii) products that meet the requirements of the Energy Star program established by the U.S. Environmental Protection Agency and the U.S. Department of Energy. To qualify for the deduction, the taxpayer must spend at least \$1,000 on energy saving products. The bill also provides that a person may not claim both this deduction and the existing deduction for certain energy efficient products during the same taxable year.

*Patron - Bell, John J.*

**HB2084 Additional powers of certain counties.** Grants counties with a population greater than 100,000 certain powers of cities and towns, including taxation, borrowing, and eligibility for highway maintenance funds. Currently, such powers are generally granted only to cities and towns.

*Patron - Watts*

**HB2085 Transit funding.** 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.

*Patron - Watts*

**HB2086 Income tax; conformity; increase in standard deduction; refundable income tax credit for low-income taxpayers; emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018. However, for taxable years 2018 through 2025, the bill deconforms from the provisions of Public Law 115-97, known as the "Tax Cuts and Jobs Act," that would suspend the overall limitation on itemized deductions.

The bill increases, for taxable years 2018 through 2025, the amount of the standard deduction to \$4,500 for single individuals and \$9,000 for married couples. Under current law, the

standard deduction is \$3,000 for single individuals and \$6,000 for married couples. The bill adjusts Virginia's standard deduction for taxable years 2019 through 2025 by the percentage increase in the Chained Consumer Price Index for all Urban Consumers (C-CPI-U) for the previous taxable year. The bill contains an emergency clause.

The bill allows low-income individuals and married persons to claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and any dependents or (ii) an income tax credit equal to 20 percent of the federal earned income tax credit, a portion of which would be refundable. Fifty percent of the value of the credit would be refundable in taxable year 2018, and the refundable portion would increase by five percent each year, becoming fully refundable starting in taxable year 2028. Under current law, low-income individuals and married persons may elect either of these amounts; however, both options for claiming the credit are nonrefundable.

*Patron - Watts*

**HB2090 Remote sales and use tax collection; sufficient activity by dealers and marketplace facilitators as to require registration for sales and use tax collection.** Directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019.

The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate.

The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser.

The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections.

*Patron - Watts*

**HB2110 Virginia income tax; emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, starting with taxable year 2019, the amount of the standard deduction (i) from \$3,000 to \$6,000 for an individual or for married persons filing separately and (ii) from \$6,000 to \$12,000 for married persons filing jointly. Starting in 2020, the bill adjusts Virginia's standard deduction by the percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous taxable year. In taxable year 2026, the standard deduction would return to \$3,000 for an individual or a married person filing jointly and \$6,000 for married persons filing

jointly, coincident with the expiration of the individual income tax provisions of the federal Tax Cuts and Jobs Act (TCJA). Beginning in taxable year 2020, the individual tax brackets and the personal deductions will also be adjusted by the percentage increase of the C-CPI-U for the previous taxable year.

The bill reduces the corporate income tax from its current rate of six percent to five and one-half percent in 2018 and to five percent in 2019 and subsequent years. The bill provides that any additional revenues generated by the TCJA, beyond those revenues necessary to offset the reduction in revenues resulting from the provisions of the bill, shall be transferred to the Tax Policy Fund, created by the bill, to be used to provide tax reform to Virginia taxpayers starting in fiscal year 2020. The bill contains an emergency clause.

*Patron - Freitas*

**HB2131 Income tax credit for low-income seniors.** Establishes in taxable years 2019 through 2023 a \$1,000 refundable income tax credit for taxpayers age 65 or older with household income less than 138 percent of the applicable amount in the federal poverty guidelines. If more than one person in a household is eligible for the credit, only one such person may claim the credit.

*Patron - Guzman*

**HB2160 Refundable income tax credit for low-income taxpayers.** Allows low-income individuals and married persons to claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and any dependents or (ii) a refundable income tax credit equal to 20 percent of the federal earned income tax credit claimed that year by the individual or married persons. Under current law, low-income individuals and married persons may elect either of these amounts; however, both options for claiming the credit are nonrefundable. The provisions of the bill apply to taxable years beginning on and after January 1, 2019, but before January 1, 2026.

*Patron - Plum*

**HB2163 New media and technology innovation income tax credit.** Establishes a new media and technology innovation income tax credit, starting with taxable year 2019, which is a nonrefundable tax credit for expenses related to producing in Virginia commercial advertisements, digital interactive media productions, and episodic television series. The bill allows a company to submit a single application for a project covering multiple tax years and requires such company to make available a third-party audit of its project-related expenses.

The bill provides that the Department of Taxation and the Virginia Film Office shall review applications for credits and that the MEI (Major Employment and Investment) Project Approval Commission shall review applications for tax credits and recommend whether to endorse them; however, its recommendation shall not be binding on the determination of the Department and the Virginia Film Office on whether to approve the application.

The credit equals 15 percent of expenses or 20 percent for productions in economically distressed areas of Virginia. Expenses eligible for the credit exclude purchases that were exempt from sales tax unless such purchases were made at least one year prior to such taxpayer entering into an agreement with the Virginia Film Office related to the tax credit. Productions may receive additional credits of up to 20 percent of (i) production costs over \$250,000 and (ii) compensation paid to Virginia residents who are first-time actors or production crew members.

The bill provides that credits may be carried over to subsequent taxable years for up to 10 years and transferred to another party upon payment to the Department of a fee of two percent. The bill authorizes the Governor to use moneys in the Motion Picture Opportunity Fund or other funds appropriated for such purpose to buy back credits from credit holders, provided that the Governor pays at least 80 percent of their value.

*Patron - Davis*

**HB2165 Income tax credit; solar energy equipment.** Creates a nonrefundable tax credit for the purchase and installation of solar energy equipment in certain nonresidential areas for taxable years beginning on and after January 1, 2019, but before January 1, 2024. The tax credit is capped at \$100,000 per individual or 35 percent of the installed cost of the system, whichever is less. The aggregate amount of credits that can be issued in a fiscal year is capped at \$10 million.

*Patron - Davis*

**HB2191 Bank franchise tax credit for student loan refinancing.** Provides a credit against the bank franchise tax starting in taxable year 2019 in the amount of 20 percent of a bank's student loan refinancing expenses. The bill defines eligible expenses to include the amount of principal forgiven by a bank plus the amount of interest reduced by refinancing. The credit is available only for expenses related to the refinancing of privately held loans but not loans held by the federal government.

*Patron - Rush*

**HB2194 Sales and use tax exemption; menstrual supplies; Dignity Act.** Exempts menstrual supplies, specifically pads, tampons, and menstrual cups, from sales and use tax.

*Patron - Rodman*

**HB2206 Sales tax exemption; gun safes.** Establishes an exemption from retail sales tax for a gun safe with a selling price of \$1,000 or less. The bill defines a gun safe as a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or of ammunition for use in a firearm. Under the bill, a gun safe does not include a glass-faced cabinet.

*Patron - Filler-Corn*

**HB2210 Virginia Lottery; repeal prohibition against sale of lottery tickets over the Internet; electronic sports betting; Problem Gambling Treatment and Support Fund; Sports Betting Operations Fund; penalties.** Directs the Virginia Lottery (the Lottery) to regulate electronic sports betting. Under the provisions of the bill, betting on amateur sports, including youth sports and college sports, is prohibited, and betting on professional sports is allowed. The bill provides protections for vulnerable populations and protections of a sports bettor's rights to self-exclusion, data privacy and security, recourse, and integrity and transparency of gameplay. The bill prohibits betting by Lottery employees, participants in athletic events on which the bet is placed, and persons under age 21. The penalty for engaging in prohibited betting is a Class 1 misdemeanor. The bill directs the Lottery to establish a voluntary exclusion program, which would allow individuals to request that the Lottery exclude them from buying lottery tickets or participating in electronic sports betting.

The bill imposes a 10 percent tax on a permit holder's adjusted gross revenue, defined in the bill. The Lottery would retain three percent of the tax revenue to defray its costs of administering the program. The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department

of Behavioral Health and Developmental Services. The Fund would be used to provide counseling to compulsive gamblers, implement problem gambling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund would be funded by 97 percent of the revenue generated from the 10 percent tax on a permit holder's adjusted gross revenue.

The bill authorizes the Lottery to sell tickets over the Internet, which is prohibited under current law.

*Patron - Simon*

**HB2216 High school STEM internship tax credit; report.** Creates a tax credit for a business that hosts a junior or senior in a Richmond City Schools high school as an intern in a STEM or high-demand field for a semester during the 2019-2020 or 2020-2021 academic year. The business would receive a \$2,500 credit per student per semester. Participation in the program is limited to 25 students. The bill requires the Superintendent of Richmond Public Schools to submit an annual report regarding various metrics of the program.

*Patron - Bourne*

**HB2241 Green job training tax credit.** Creates an income tax credit beginning in taxable year 2019 for the expenses incurred by taxpayers in the training and transitioning of fossil fuel workers, defined in the bill, to jobs in the green energy sector. The credit equals \$1,000 per employee that is transitioned to the green energy sector. In order to qualify for the credit, the worker must become employed by the taxpayer in a green job during the taxable year.

The Tax Commissioner shall establish guidelines for claiming the credit. Any unused credit may be carried forward by the taxpayer for five taxable years following the taxable year for which the credit was issued. The credit expires beginning with taxable year 2024.

*Patron - Delaney*

**HB2340 Virginia resident hunting license tax deduction.** Establishes a tax deduction for the amount an individual pays for Virginia resident hunting licenses purchased from the Department of Game and Inland Fisheries. The deduction may be applied to the amount paid for no more than three licenses per year. The provisions of this bill apply to taxable years beginning on and after January 1, 2019.

*Patron - Edmunds*

**HB2351 Education Improvement Scholarships tax credits; benefits and eligibility requirements; eligible students with a disability.** Increases the scholarship amount available for an eligible student with a disability from 100 percent to 300 percent of the per pupil amount distributed to the local school division as the state's share of the standards of quality costs, or the actual qualified educational expenses of the student, whichever is less. The bill broadens the definition of "eligible student with a disability" to include any child who is a resident of Virginia for whom an Individualized Education Plan (IEP) has been written and finalized in accordance with the federal Individuals with Disabilities Education Act (IDEA). In addition, the family household income of the eligible student with a disability who is receiving the scholarship must not exceed 400 percent of the federal poverty level.

The bill also provides that an eligible student with a disability may only receive the increased amount of scholarship funds if they attend a school for students with disabilities that (i) is licensed by the Department of Education to serve students with disabilities, (ii) complies with the nonpublic school accreditation requirements of the Virginia Association of Independent Schools, (iii) is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, and (iv) does not receive public funds

to supplement the cost of the education of the eligible student with a disability who is receiving the scholarship.

*Patron - Miyares*

**HB2355 Conformity of the Commonwealth's taxation system with the Internal Revenue Code.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, including conformity to the federal Tax Cuts and Jobs Act (TCJA). The bill also makes technical amendments.

Under the provisions of the bill, for fiscal years 2019 and 2020, any additional revenues generated as a result of the temporary individual income tax provisions of the TCJA shall be transferred to the Taxpayer Relief Fund, created in the bill. The bill requires the Department of Taxation to submit a plan, before August 1, 2019, to the General Assembly to refund such revenues to taxpayers.

*Patron - Jones, S.C.*

**HB2368 City of Virginia Beach; sports or entertainment project.** Grants the City of Virginia Beach certain powers relating to construction of a sports or entertainment project and any related facilities. Among those powers is the authority to (i) issue bonds to construct a sports or entertainment project, (ii) receive state sales and use tax revenue that is attributable to such project, and (iii) use such revenue to repay such bonds. The bill provides that the City of Virginia Beach's entitlement to state sales and use tax revenue shall expire on July 1, 2039. The powers granted by the bill to the City of Virginia Beach are similar to those granted to the Hampton Roads Sports Facility Authority.

*Patron - Knight*

**HB2389 Virginia Housing Trust Fund; revenue deposits; recordation tax.** Provides that 20% of annual recordation tax revenue in excess of \$325 million shall be deposited into the Virginia Housing Trust Fund.

*Patron - Lopez*

**HB2404 Transient occupancy tax; certain counties.** Adds the counties of Mathews, Middlesex, and New Kent to the list of counties that may impose a transient occupancy tax at a rate above two percent, but not to exceed five percent. The revenue attributable to a rate in excess of two percent shall be used solely for tourism and travel purposes. Current law allows all counties to impose a transient occupancy tax at a rate not to exceed two percent.

*Patron - Hodges*

**HB2416 Public charter schools; services; approval.** Establishes yellow public charter schools as a category of public charter schools at which additional student services are provided, including health care, dental care, after-school support, and nutritional support. The bill permits a yellow public charter school applicant, following a local school board decision to deny a petition for the reconsideration of the denial of its application, to appeal such denial to the Board and requires the Board to review and approve or deny such application. The bill specifies that any yellow public charter school application so approved by the Board shall remain in effect for a period not to exceed 10 years.

*Patron - Davis*

**HB2433 Family caregiver tax credit.** Creates a nonrefundable income tax credit beginning in taxable year 2019 for expenses incurred by an individual in caring for an eligible family member, defined in the bill, who requires assistance with one or more activities of daily living, also defined in the bill. The credit equals 50 percent of eligible expenditures

incurred by the caregiver, but shall not exceed \$1,000. In order to qualify for the credit, the family caregiver must (i) not receive any compensation or reimbursement for the eligible expenditures, (ii) have federal adjusted gross income that is no greater than \$75,000 for an individual or \$150,000 for married persons, and (iii) live in the same primary residence as the eligible family member for no fewer than 183 days during the taxable year.

The bill requires the Tax Commissioner to establish guidelines for claiming the credit and provides that any unused credit may be carried forward by the taxpayer for five taxable years following the taxable year for which the credit was issued. The credit expires beginning with taxable year 2024.

*Patron - Torian*

**HB2442 Accelerated sales and use tax payments.** Prohibits, beginning July 1, 2020, the accelerated collection of sales and use tax payments from retail merchants and other dealers who collect and return sales and use tax payments.

*Patron - Wilt*

**HB2459 Education Improvement Scholarships tax credits; pre-kindergarten eligibility.** Expands the Education Improvement Scholarships tax credits program by including, as eligible scholarship recipients, children enrolled in, eligible to attend, or attending nonpublic pre-kindergarten programs. The maximum annual scholarship that a child will receive is the lesser of the child's actual educational expenses or the state share of the grant per child under the Virginia Pre-school Initiative for the locality in which the child resides.

Under current law, tax credits are awarded to individuals and businesses making donations to nonprofit scholarship foundations that use the donated funds to award scholarships to certain students in grades K-12 attending nonpublic schools. Eligible scholarship recipients are students in grades K-12 with a finalized individualized education program (IEP) in place or whose annual household income is not in excess of 300 percent of the federal poverty guidelines.

The bill defines an eligible pre-kindergarten child and a nonpublic pre-kindergarten program and includes several other curriculum and administrative requirements that must be met by a nonpublic pre-kindergarten program in order for children attending the program to be eligible to receive scholarships under the tax credit program. Under the bill, the Virginia Council for Private Education, the Virginia Early Childhood Foundation, or the Virginia Department of Social Services will certify nonpublic pre-kindergarten programs meeting such curriculum and administrative requirements.

*Patron - Landes*

**HB2460 Income tax credit; solar energy equipment.** Creates a nonrefundable tax credit for the purchase and installation of solar energy equipment in certain nonresidential areas for taxable years beginning on and after January 1, 2019, but before January 1, 2024. The tax credit is capped at \$100,000 per individual or 35 percent of the installed cost of the system, whichever is less. The aggregate amount of credits that can be issued in a fiscal year is capped at \$10 million.

*Patron - Jones, J.C.*

**HB2483 Income tax credit for donation to public access authority.** Establishes for taxable years 2019 through 2023 a nonrefundable income tax credit in the amount of 40 percent of a donation to a public access authority. A credit would be allowed only for a donation to a public access authority that owns an aggregate of at least 200 acres of real property located on a waterfront and available for use by the general

public. The amount of credit claimed per year shall not exceed \$20,000, but unused credit may be carried forward for three years. The aggregate amount of available credits is limited to \$5 million per year.

*Patron - Hodges*

**HB2533 Small business parental leave tax credit.** Creates an income tax credit for taxable year 2021 for a portion of the salary or wages paid by small businesses to full-time employees while on leave for the birth or adoption of a child. The credit equals 65 percent of the first \$8,333 in salary and wages paid by the small business to an employee while on parental leave, which must be leave taken that is separate from any paid vacation, sick, or other paid leave.

The bill provides that small businesses must allow full-time employees to take at least eight workweeks of paid parental leave. The salary or wages paid for each week of parental leave must be at least 80 percent of the employee's weekly salary or wages immediately prior to the employee taking leave. In no case will credit be allowed subsequent to 12 workweeks of parental leave.

Eligible small businesses must (i) have been operating for at least two full fiscal years immediately prior to the relevant taxable year; (ii) be at least 51 percent independently owned and controlled by one or more individuals who are U.S. citizens or legal residents; (iii) have, together with affiliates, fewer than 50 full-time employees for the relevant taxable year; and (iv) have both management and daily business operations under the control of one or more individual owners. The bill defines full-time employees as employees in a job of indefinite duration that requires a minimum of 35 hours per week for at least 48 weeks during the calendar year or a minimum of 1,680 hours during the calendar year.

The bill provides that small businesses apply for credit from the Department of Taxation, the administering agency for the credit program. The Department will consider complete applications on a first-come, first-served basis and issue credits accordingly. The Department may issue up to \$5.5 million in tax credits each fiscal year. Any unused credit may be carried forward by the small business for seven taxable years following the taxable year for which the credit was issued. The credit expires beginning with taxable year 2022.

*Patron - Ayala*

**HB2536 Lottery Board; regulation of casino gaming; penalties.** Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). The bill specifies the licensing requirements for casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. Casino gaming shall be limited to (i) any city in which at least 40 percent of the land area is exempt from local real property taxation pursuant to federal law or specified sections of the Constitution of Virginia; (ii) any city that had a rate of unemployment at least four percentage points higher than the statewide average, a poverty rate of at least 20 percent, and a population decrease in the locality of at least 20 percent from the previous year, all computed as of November 2017; or (iii) any city that had a rate of unemployment at least four percentage points higher than the statewide average, a poverty rate of at least 22 percent, and a population decrease in the locality of at least 20 percent from the previous year, all computed as of November 2017, and located adjacent to a state that has adopted a Border Region Retail Tourism Development District Act. The bill imposes a tax of 10 percent on the adjusted gross receipts of licensees and provides for how the tax proceeds are disbursed. In addition, a referendum must be passed in the city on the question of allowing casino gaming in

the city. The bill requires the Board to establish and implement a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill also establishes the Problem Gambling Treatment and Support Fund administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to support organizations that provide assistance to compulsive gamblers.

*Patron - O'Quinn*

**HB2566 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, 2024. Any locality may grant property tax exemptions to any such organizations to become effective on or after that date.

*Patron - LaRock*

**HB2575 Additional real property tax on commercial and industrial property in certain localities.** 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.

*Patron - LaRock*

**HB2587 Confidentiality of tax information; local tax officers sharing information with local administrative officers.** Authorizes a locality's commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes to share confidential tax information with such locality's financial officer and chief administrative officer, provided that such officer enters into a written nondisclosure agreement. Under current law, such information is prohibited from being shared between such officials unless some other exemption applies.

*Patron - Roem*

**HB2608 Individual and corporate income tax credit; employers of National Guard members and self-employed National Guard members.** Provides for taxable years 2019 through 2023 a nonrefundable tax credit against individual and corporate income taxes for (i) wages paid by an employer to an employee who is a Virginia National Guard member or (ii) income of a self-employed National Guard member attributable to his business. The amount of the credit shall be 25 percent if such member was in a military pay status for 65 days or more during such taxable year or 15 percent if such member was in a military pay status for 45 days or more during such taxable year. The credit shall not be allowed if such member was in a military pay status for less than 45 days during such taxable year. The bill allows a taxpayer to carry unused credits over for up to five taxable years.

*Patron - Freitas*

**HB2614 Taxes administered by the Department of Taxation; statute of limitations for collections.** Provides that the seven-year statute of limitations for collection efforts by the Department of Taxation shall apply to all assessments except under certain circumstances. Under current law, such statute of limitations applies only to assessments made on and after July 1, 2016.

*Patron - Bloxom*

**HB2640 Machinery and tools tax; definition of original total capitalized cost.** Provides that, for purposes of the machinery and tools tax, "original total capitalized cost," which is used to calculate assessed value, means the property's cost when acquired by the current owner plus any amount incurred to extend its useful life. If the property was not acquired in an arm's-length transaction, the prior owner's original total capitalized cost is used. Acquisitions are presumed to be arm's-length unless the current owner bought the property from an affiliate.

*Patron - Byron*

**HB2663 Watercraft sales and use tax; eliminates cap and reduces rate.** Reduces the watercraft sales and use tax rate from 2.0 percent to 1.95 percent and removes the \$2,000 cap on the tax.

*Patron - Carter*

**HB2673 Income tax; conformity; increase in standard deduction; refundable income tax credit for low-income taxpayers.** Advances the Commonwealth's conformity with federal tax law to December 31, 2018, starting with taxable year 2019. The bill allows an individual taxpayer to itemize for state income tax purposes regardless of whether he itemizes on his federal return for taxable years 2019 through 2025. Current law requires a taxpayer to claim the standard deduction on his state return if he claims the standard deduction on his federal return.

The bill increases the standard deduction to \$3,500 for single individuals and \$7,000 for married persons filing jointly for taxable years 2019 through 2025. Under current law, the standard deduction is \$3,000 for single individuals and \$6,000 for married persons filing jointly.

The bill allows low-income individuals and married persons to claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and each claimed dependent or (ii) an income tax credit equal to 20 percent of the federal earned income tax credit, a portion of which would be refundable. Thirty percent of the value of the credit would be refundable for taxable years 2019 through 2025. Under current law, low-income individuals and married persons may elect either of these amounts; however, both options for claiming the credit are nonrefundable.

*Patron - Adams, D.M.*

**HB2676 Disclosure of information under the Master Settlement Agreement and Non-Participating Manufacturer Adjustment Settlement Agreement.** Provides that officers, employees, or agents of the Office of the Attorney General and the Department of Taxation shall share with each other's departments and disclose to the appropriate person or party information in accordance with the Master Settlement Agreement and the Non-Participating Manufacturer Adjustment Settlement Agreement entered into by the Commonwealth on October 10, 2017. The bill provides that any records shared by, collected by, disclosed by, or reported or provided to an officer, employee, or agent of the Office of the Attorney General or the Department of Taxation in accordance with such agreements are exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.).

*Patron - Ware*

**HB2680 Milk production tax credit.** Creates an income tax credit beginning in taxable year 2019 for taxpayers who own a dairy farm that sells milk below the producer price

that is determined by the State Milk Commission. The credit equals \$1,000 per million pounds of milk sold below the producer price for the first seven million pounds, \$500 per million pounds of milk sold below the producer price for amounts greater than seven million but not greater than 20 million pounds, \$200 per million pounds of milk sold below the producer price for amounts greater than 20 million but not greater than 50 million pounds, and \$100 per million pounds of milk sold below the producer price for amounts greater than 50 million pounds but not greater than 90 million pounds.

In order to qualify for the credit, the dairy farm must possess a Grade A permit issued by VDACS and must have voluntarily implemented (i) a nutrient management plan that has been approved by, or is currently being reviewed by, the Department of Conservation and Recreation or (ii) a resource management plan and been certified as having implemented the plan by, or be in the process of having such plan reviewed by, the Department of Conservation and Recreation or a local soil and water conservation district.

The bill requires the Tax Commissioner, in consultation with the Department of Agriculture and the Department of Conservation and Recreation, to establish guidelines for claiming the credit. The credit shall be nonrefundable and any unused credit may be carried forward by the taxpayer for five taxable years following the taxable year for which the credit was issued. The credit expires beginning with taxable year 2024.

*Patron - Wilt*

**HB2698 Lottery Board; regulation of casino gaming; limited operation; penalties.** Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). The bill specifies the licensing requirements for casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. Under the bill, casino gaming shall be conducted only (i) by an Indian tribe acknowledged by the United States Assistant Secretary-Indian Affairs as an Indian tribe within the meaning of Federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and (ii) within a city with a population greater than 200,000. The bill imposes a tax of 10 percent on the adjusted gross receipts of licensees and provides for how the tax proceeds are disbursed. In addition, a referendum must be passed in the city on the question of allowing casino gaming in the city. The bill requires the Board to establish and implement a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill also establishes the Problem Gambling Treatment and Support Fund administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to support organizations that provide assistance to compulsive gamblers.

*Patron - Knight*

**HB2700 Corporate income tax subtraction; Global Intangible Low-Taxed Income.** Establishes a subtraction in computing Virginia taxable income for the amount of Global Intangible Low-Taxed Income that is included in a corporation's federal taxable income.

*Patron - Orrock*

**HB2701 Corporate income tax subtraction; business interest.** Establishes a subtraction from a corporation's Virginia taxable income for the amount of business interest that

is disallowed as a deduction from federal taxable income by § 163(j) of the Internal Revenue Code.

*Patron - Orrock*

**HB2704 Providing income tax relief to Virginia taxpayers.** Provides that, if the General Assembly does not enact legislation during the 2019 Session giving at least \$100 million in Virginia income tax relief to Virginia taxpayers, any additional revenues generated by the federal Tax Cuts and Jobs Act shall be transferred to the Tax Policy Fund, created by the act. The bill requires the Governor to submit, with his budget proposal for the 2020-2022 biennium, a plan to provide tax reform to Virginia taxpayers with revenues in the Tax Policy Fund. Such tax reform shall distribute such additional revenues to Virginia taxpayers proportionately on the basis of their Virginia income tax liability for taxable year 2018.

*Patron - Bloxom*

**HB2708 Individual income tax; itemization.** Allows an individual taxpayer to itemize for state income tax purposes regardless of whether he itemizes on his federal return. Current law requires a taxpayer to claim the standard deduction on his state return if he claims the standard deduction on his federal return.

*Patron - Pogge*

**HB2765 Income tax; conformity; increase in standard deduction; refundable income tax credit for low-income taxpayers; Revenue Stabilization Fund.** Advances the Commonwealth's conformity with federal tax law to December 31, 2018, starting with taxable year 2019. The bill increases the standard deduction to \$3,750 for single individuals and \$7,500 for married persons filing jointly for taxable years 2019 through 2025. Under current law, the standard deduction is \$3,000 for single individuals and \$6,000 for married persons filing jointly.

The bill allows low-income individuals and married persons to claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and each claimed dependent or (ii) an income tax credit equal to 20 percent of the federal earned income tax credit, a portion of which would be refundable. Sixty percent of the value of the credit would be refundable for taxable years 2019 through 2025. Under current law, low-income individuals and married persons may elect either of these amounts; however, both options for claiming the credit are nonrefundable.

The bill provides that each year up to \$198 million of any additional revenues generated by the federal Tax Cuts and Jobs Act would be transferred to the Revenue Stabilization Fund.

*Patron - Adams, D.M.*

**HB2801 Remote sales and use tax collection and sufficient activity by remote sellers and marketplace facilitators as to require registration for sales and use tax collection.** Directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$250,000 in annual gross revenue from sales in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax on any sales facilitated in the Commonwealth. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019. The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all

localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate.

The bill provides that upon written application and for good cause shown, the Department shall have the discretion to temporarily suspend or delay the collection or reporting requirements of a marketplace facilitator or remote seller for a period not to exceed 184 days after collection is required. The Department is directed to implement protections from penalties and interest for marketplace facilitators that act in good faith but collect an incorrect amount of sales and use tax before January 1, 2026.

The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections.

*Patron - Brewer*

**HB2810 Real property tax exemption for certified pollution control equipment and facilities.** Advances the sunset date of the real property tax exemption for solar photovoltaic (electric energy) projects greater than 20 megawatts from 2024 to 2020.

*Patron - Wright*

**SB1001 Subtractions from Virginia adjusted gross income; sale of certain crops to breweries.** Provides an income tax subtraction, for purposes of computing Virginia adjusted gross income, for the income attributable to the sale of crops grown by a farmer to a brewery licensed in Virginia.

*Patron - Stanley*

**SB1070 Local paper and plastic bag tax.** Authorizes localities to impose, by ordinance, a \$0.05 tax on certain disposable paper bags and disposable plastic bags provided to consumers by certain retailers. Revenues from the local tax, less \$0.01 of every \$0.05 collected, which the bill authorizes the retailer to retain, would be submitted to the Tax Commissioner and distributed monthly to the county or city imposing the tax. The bill requires each county or city adopting an ordinance to impose the tax to (i) specify in the ordinance that the tax revenues shall be used for pollution and litter mitigation and (ii) 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.

*Patron - Ebbin*

**SB1082 Lottery; disclosure of identity of winners.** Prohibits the Virginia Lottery from disclosing information about individual winners and exempts such information from disclosure under the Freedom of Information Act (FOIA), unless the winner consents in writing to such disclosure. Under FOIA, disclosure of the winner's name, hometown, and amount won is currently mandatory. This bill was incorporated into SB 1060.

*Patron - Ruff*

**SB1116 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 the five-cent tax.

*Patron - Petersen*

**SB1120 Motor fuels tax; rate of taxation.** Repeals the enactment clause from Chapter 766 of the Acts of Assembly of 2013 (the transportation funding bill) that would auto-

matically lower the rate of taxation on motor fuels if Congress were to enact legislation granting states the authority to compel remote sellers to collect and remit sales and use tax. The bill was incorporated into SB 1083.

*Patron - Petersen*

**SB1160 Income tax credits related to education.** Makes changes to the Neighborhood Assistance Act tax credit program, as it relates to educational services, and the Education Improvement Scholarships tax credit program. The bill provides that in making an allocation of credits to neighborhood organizations under the neighborhood assistance program, the Superintendent of Public Instruction shall consider the portion of the organization's total revenues used to support low-income persons and qualified students with disabilities, not just the amount of credits that an organization received for the prior year. The bill also allows certain neighborhood organizations that provide scholastic assistance services, defined as scholastic assistance organizations, to be eligible to receive an allocation of education improvement scholarship tax credits and establishes guidelines for receiving such an allocation. The bill contains technical amendments.

*Patron - Ruff*

**SB1211 Virginia income tax; conformity; standard deduction; emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, including conformity to the federal Tax Cuts and Jobs Act. The bill raises Virginia's standard deduction to \$6,000 per taxpayer or \$12,000 for married persons filing jointly for taxable year 2018. In future tax years, the deduction will be adjusted by a percentage equal to the difference in the Chained Consumer Price Index for All Urban Consumers between the current year and 2018. The bill also contains an emergency clause.

*Patron - Chafin*

**SB1225 Virginia income tax; emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, starting with taxable year 2018. The bill increases, starting with taxable year 2019, the amount of the standard deduction (i) from \$3,000 to \$6,000 for an individual or for married persons filing separately and (ii) from \$6,000 to \$12,000 for married persons filing jointly. Starting in 2020, the bill adjusts Virginia's standard deduction by the percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous taxable year. In taxable year 2026, the standard deduction would return to \$3,000 for an individual or a married person filing jointly and \$6,000 for married persons filing jointly, coincident with the expiration of the individual income tax provisions of the federal Tax Cuts and Jobs Act (TCJA). Beginning in taxable year 2020, the individual tax brackets and the personal deductions will also be adjusted by the percentage increase of the C-CPI-U for the previous taxable year.

The bill reduces the corporate income tax from its current rate of six percent to five and one-half percent in 2018 and to five percent in 2019 and subsequent years. The bill provides that any additional revenues generated by the TCJA, beyond those revenues necessary to offset the reduction in revenues resulting from the provisions of the bill, shall be transferred to the Tax Policy Fund, created by the bill, to be used to provide tax reform to Virginia taxpayers starting in fiscal year 2020. The bill contains an emergency clause.

*Patron - Chase*

**SB1237 Individual income tax; itemization.** Allows an individual taxpayer to itemize deductions for state income tax purposes regardless of whether he elects to itemize

deductions on his federal return for taxable years 2018 through 2025. Current law requires a taxpayer to claim the standard deduction on his state return if he claims the standard deduction on his federal return. The bill contains an emergency clause. The bill was incorporated into SB 1372.

*Patron - DeSteph*

**SB1252 Cigarette taxes; definitions of noncombustible tobacco products.** Defines, for purposes of cigarette taxes, alternative nicotine product, heated tobacco product, liquid nicotine, and nicotine vapor product. The bill also provides that the definition of cigarette includes only nicotine-containing products that produce smoke from combustion. The bill extends from November 2018 to November 2019 the conclusion of a study by the Joint Subcommittee to Evaluate Tax Preferences of options for the modernization of cigarette taxes and possible reforms to the taxation of tobacco products that will provide fairness and equity for all local governments. The bill was incorporated into SB 1371.

*Patron - Reeves*

**SB1267 Remote sales and use tax collection; sufficient activity by dealers and marketplace facilitators as to require registration for sales and use tax collection; transportation funding.** Directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019.

The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate.

The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser.

The bill allocates revenue from the state portion of remote sales and use tax collection to the Transportation Trust Fund but requires the revenue to be spent only to fund improvements to existing roads. The bill distributes the local portion to localities based on point of sale.

The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections.

The bill was incorporated into SB 1083.

*Patron - Stuart*

**SB1294 Remote sales and use tax collection; sufficient activity by dealers and marketplace facilitators as to require registration for sales and use tax collection.** Directs the Department of Taxation (the Department) to require a

remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019.

The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate.

The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser.

The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections. The bill was incorporated into SB 1083.

*Patron - Howell*

**SB1297 Refundable income tax credit for low-income taxpayers.** Allows low-income individuals and married persons to claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and any dependents or (ii) a refundable income tax credit equal to 20 percent of the federal earned income tax credit claimed that year by the individual or married persons. Under current law, low-income individuals and married persons may elect either of these amounts; however, both options for claiming the credit are nonrefundable. The provisions of the bill apply to taxable years beginning on and after January 1, 2019, but before January 1, 2026.

*Patron - Barker*

**SB1320 Conformity of the Commonwealth's taxation system with the Internal Revenue Code; emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, including conformity to the federal Tax Cuts and Jobs Act. The bill also makes technical amendments and contains an emergency clause. The bill was incorporated into SB 1372.

*Patron - Hanger*

**SB1322 Tax on motor fuels.** Imposes an additional 2.1 percent tax on motor fuels sold at wholesale to a retail dealer for sale in a locality along the Interstate 81 Corridor. The revenues from the tax would be deposited into an Interstate 81 Corridor Improvement Fund, to be used by the Commonwealth Transportation Board to fund improvements along the corridor or to support debt to fund such improvements. The bill was incorporated into SB 1470.

*Patron - Hanger*

**SB1337 Collection of state sales and use tax by remote sellers; disposition of revenue; report.** Creates the Online Revenue Collection Fund for the collection of revenues

generated in the event that the General Assembly adopts legislation requiring the remittance of sales and use tax by remote sellers and marketplace facilitators. Following the first full fiscal year in which the remittance of state sales and use tax by remote sellers and marketplace facilitators is required, the Commissioner of the Department of Taxation shall report on the total amount of revenues collected and shall calculate the amount by which the state sales and use tax rate could be reduced and replaced with revenues from the Fund so as to be revenue neutral. The bill was incorporated into SB 1083.

*Patron - Peake*

**SB1340 Land preservation tax credits; threshold for conservation value review by Department of Conservation and Recreation.** Lowers the threshold from \$1 million to \$500,000 for (i) conservation value review of land preservation tax credit applications by the Department of Conservation and Recreation and (ii) requiring a copy of the tax credit application to be filed with the Department of Conservation and Recreation.

*Patron - Stuart*

**SB1356 Virginia Lottery Board; rename as Virginia Lottery and Sports Wagering Commission; Problem Gambling Treatment and Support Fund; penalties.** Renames the Virginia Lottery Board as the Virginia Lottery and Sports Wagering Commission (the Lottery) and directs it to operate a sports wagering facility at which the Department accepts wagers on professional sports and college sports, defined in the bill. The bill authorizes the Lottery to operate a digital platform to accept such wagers.

The bill prohibits wagering on Virginia college sports and youth sports, also defined in the bill. The bill prohibits wagering by Lottery employees, participants in athletic events on which the wager is placed, and persons under age 21. The penalty for engaging in prohibited wagering is a Class 1 misdemeanor.

The bill directs the Lottery to establish a voluntary exclusion program, which would allow individuals to request that the Lottery exclude them from buying lottery tickets or participating in sports wagering. The bill allows the Lottery to retain 2.5% of gross revenue, defined in the bill, to defray its costs of administering the program.

The bill creates the Problem Gambling Treatment and Support Fund, administered by the Department of Behavioral Health and Developmental Services, to be used to provide counseling to compulsive gamblers, implement problem gambling treatment and prevention programs, and provide grants to organizations that assist problem gamblers. The Fund would be funded by 2.5% of adjusted gross revenue. The remaining adjusted gross revenue generated from sports wagering accrues to the general fund.

*Patron - Wagner*

**SB1376 Small business parental leave tax credit.** Creates an income tax credit for taxable year 2021 for a portion of the salary or wages paid by small businesses to full-time employees while on leave for the birth or adoption of a child. The credit equals 65 percent of the first \$8,333 in salary and wages paid by the small business to an employee while on parental leave, which must be leave taken that is separate from any paid vacation, sick, or other paid leave.

The bill provides that small businesses must allow full-time employees to take at least eight workweeks of paid parental leave. The salary or wages paid for each week of parental leave must be at least 80 percent of the employee's weekly salary or

wages immediately prior to the employee taking leave. In no case will credit be allowed subsequent to 12 workweeks of parental leave.

Eligible small businesses must (i) have been operating for at least two full fiscal years immediately prior to the relevant taxable year; (ii) be at least 51 percent independently owned and controlled by one or more individuals who are U.S. citizens or legal residents; (iii) have, together with affiliates, fewer than 50 full-time employees for the relevant taxable year; and (iv) have both management and daily business operations under the control of one or more individual owners. The bill defines full-time employees as employees in a job of indefinite duration that requires a minimum of 35 hours per week for at least 48 weeks during the calendar year or a minimum of 1,680 hours during the calendar year.

The bill provides that small businesses apply for credit from the Department of Taxation, the administering agency for the credit program. The Department will consider complete applications on a first-come, first-served basis and issue credits accordingly. The Department may issue up to \$5.5 million in tax credits each fiscal year. Any unused credit may be carried forward by the small business for seven taxable years following the taxable year for which the credit was issued. The credit expires beginning with taxable year 2022.

*Patron - Favola*

**SB1390 Remote sales and use tax collection; disposition of revenues.** Repeals contingent provisions of bills adopted in prior sessions of the General Assembly related to the disposition of certain sales and use tax revenues that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. By repealing these provisions, any revenues generated from the remote collection of sales and use tax in the Commonwealth would be allocated in accordance with the existing sales and use tax allocation formula, and the gas tax will remain at its current rate. The bill was incorporated into SB 1083.

*Patron - Wagner*

**SB1443 Virginia income tax; emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, starting with taxable year 2018. The bill increases, starting with taxable year 2018, the amount of the standard deduction (i) from \$3,000 to \$6,000 for an individual or for married persons filing separately and (ii) from \$6,000 to \$12,000 for married persons filing jointly. Starting in 2019, the bill adjusts Virginia's standard deduction by the percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous taxable year. In taxable year 2026, the standard deduction would return to \$3,000 for an individual or a married person filing jointly and \$6,000 for married persons filing jointly, coincident with the expiration of the individual income tax provisions of the federal Tax Cuts and Jobs Act (TCJA). Beginning in taxable year 2020, the individual tax brackets and the personal deductions will also be adjusted by the percentage increase of the C-CPI-U for the previous taxable year.

The bill reduces the corporate income tax from its current rate of six percent to five and one-half percent in 2018 and to five percent in 2019 and subsequent years and establishes subtractions from Virginia corporate taxable income for the amount of global intangible low-taxed income that is included in federal taxable income and the amount of business interest that is disallowed as a deduction from federal taxable income.

The bill provides that any additional revenues generated by the TCJA, beyond those revenues necessary to offset the reduction

in revenues resulting from the provisions of the bill, shall be transferred to the Tax Policy Fund, created by the bill, to be used to provide tax reform to Virginia taxpayers starting in fiscal year 2020. The bill contains an emergency clause. The bill was incorporated into SB 1372.

*Patron - Stuart*

**SB1470 Transportation revenues.** Directs the Secretary of Transportation to evaluate the impact of increased fuel efficiency and increased use of hybrid and electric vehicles on transportation revenues, and to report to the General Assembly no later than December 10, 2019. The bill incorporates SB 1322.

*Patron - Edwards*

**SB1496 Income tax credit; solar energy equipment.** Creates a grant program for the purchase and installation of solar energy equipment in certain nonresidential areas on and after January 1, 2019, to be administered by the Department of Mines, Minerals, and Energy. The grant is capped at 35 percent of the installed cost of the system. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Saslaw*

**SB1500 Remote sales and use tax collection; sufficient activity by dealers and marketplace facilitators as to require registration for sales and use tax collection.** Directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019.

The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate.

The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser.

The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections. The bill was incorporated into SB 1083.

*Patron - Hanger*

**SB1503 Lottery Board; regulation of casino gaming; penalties.** Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). The bill specifies the licensing requirements for casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. Casino gaming shall be limited to (i) any city in which at least 40 percent of the land area is exempt

from local real property taxation pursuant to federal law or specified sections of the Constitution of Virginia; (ii) any city that had a rate of unemployment at least four percentage points higher than the statewide average, a poverty rate of at least 20 percent, and a population decrease in the locality of at least 20 percent from the previous year, all computed as of November 2017; or (iii) any city that had a rate of unemployment at least four percentage points higher than the statewide average, a poverty rate of at least 22 percent, and a population decrease in the locality of at least 20 percent from the previous year, all computed as of November 2017, and located adjacent to a state that has adopted a Border Region Retail Tourism Development District Act. The bill imposes a tax of 10 percent on the adjusted gross receipts of licensees and provides for how the tax proceeds are disbursed. In addition, a referendum must be passed in the city on the question of allowing casino gaming in the city. The bill requires the Board to establish and implement a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill also establishes the Problem Gambling Treatment and Support Fund administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to support organizations that provide assistance to compulsive gamblers.

*Patron - Carrico*

**SB1512 Cigarette tax; counties authorized to hold referendum.** Authorizes the board of supervisors of any county to levy a tax on the sale or use of cigarettes if approved in a referendum. If approved, the tax shall not exceed five cents (\$0.05) or the amount levied under state law, whichever is greater.

*Patron - Carrico*

**SB1531 Virginia taxable income; standard deduction.** Equalizes the Virginia standard deduction with the federal standard deduction. For taxable years beginning on and after January 1, 2018, but before January 1, 2019, the amount of the standard deduction shall be \$12,000 per taxpayer or \$24,000 for married persons filing jointly. In future tax years, the deduction will be adjusted by a percentage equal to the difference in the Chained Consumer Price Index for All Urban Consumers between the current year and 2018. The bill contains an emergency clause. The bill was incorporated into SB 1372.

*Patron - Sturtevant*

**SB1532 High school STEM grant program; report.** Creates a pilot grant program a business that hosts a junior or senior in a Richmond City Schools high school as an intern in a STEM or high-demand field for a semester during the 2019-2020 or 2020-2021 academic year. The business would receive a \$2,500 grant per student per semester. Participation in the program is limited to 25 students. The bill requires the Superintendent of Richmond Public Schools to submit an annual report regarding various metrics of the program. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Sturtevant*

**SB1572 Virginia taxable income; threshold for filing return.** Raises the minimum threshold for filing a Virginia tax return to \$15,000 for an individual and \$30,000 for married persons filing jointly, for taxable years beginning on or after January 1, 2019. Under current law, the minimum threshold for filing a Virginia tax return is \$11,950 for an individual

and \$23,300 for married persons filing jointly for taxable years beginning on and after January 1, 2012.

*Patron - Norment*

**SB1574 Revenue sharing; gaming in the Commonwealth.** Creates a revenue sharing program, if gaming is authorized in the Commonwealth, that would require the owner or operator of any gaming establishment to share a percentage of its adjusted gross receipts with the Commonwealth, ranging from 13 to 15 percent based on its annual adjusted gross receipts. The revenues would be distributed as follows: 30 percent to transportation initiatives, with one-third allocated to projects in the Interstate 81 corridor, one-third allocated to the Northern Virginia Transportation Authority Fund, and one-third allocated to the Hampton Roads Transportation Fund; 30 percent to school construction and modernization; 10 percent to support increases in teacher pay; 10 percent to support initiatives related to higher education affordability; 10 to the locality in which the revenues were collected; nine percent to support the marketing and promotion of tourism destinations, and one percent to used to prevent and treat gambling addictions.

*Patron - Norment*

**SB1601 Remote sales and use tax collection.** Requires certain marketplace facilitators and marketplace sellers, defined in the bill, to collect and remit sales and use tax if such facilitators or sellers make sales of tangible personal property or taxable services for delivery in the Commonwealth exceeding \$100,000 or in 200 or more separate transactions. The bill provides that facilitators and sellers may enter into agreements regarding the fulfillment of the collection requirements. The bill prohibits class action from being brought against a marketplace facilitator on behalf of customers for overpayment of sales and use tax collected by the marketplace facilitator. The bill provides that the sales and use tax collection requirements shall not apply to any sales transactions occurring before July 1, 2019. The bill was incorporated into SB 1083.

*Patron - Norment*

**SB1606 Vapor product tax; School Mental Health Counselors Fund created; Quit Now Virginia Fund created; penalties.** Creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate of 40 percent of the wholesale price.

The bill provides that 90 percent of the tax revenue generated by the state tax would be distributed to the School Mental Health Counselors Fund, created by the bill. Such funds would be required to be used to fund the state's share of Standards of Quality Costs related to increasing the ratio of school counselors to students. The bill provides that 10 percent of the tax revenue generated by the state tax would be distributed to the Quit Now Virginia Fund, created by the bill. Such funds would be required to be used to fund the Virginia Department of Health's costs to provide phone-based and Internet-based services with the purpose of discouraging and eliminating the use of tobacco products and providing counseling and support for smoking cessation efforts.

Counties, cities, and towns that are currently authorized to tax cigarettes would be authorized to also tax vapor products at rates determined by the local governing bodies. The bill authorizes Arlington and Fairfax Counties to impose a vapor products tax, but at a rate that does not exceed the state tax on vapor products created under the bill. Under current law,

Arlington and Fairfax Counties may impose a tax on cigarettes at a rate that does not exceed the state cigarette tax.

*Patron - Ebbin*

**SB1623 Confidentiality of tax information; local tax officers sharing information with local administrative officers in certain localities.** Authorizes a locality's commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes to share confidential tax information with such locality's financial officer and chief administrative officer, provided that such officer enters into a written nondisclosure agreement. Such authorization applies only to localities for which the Auditor of Public Accounts has made a preliminary determination of fiscal distress. Under current law, such information is prohibited from being shared between such officials unless other exemptions apply.

*Patron - McPike*

**SB1630 Income tax; refunds.** Entitles an individual to a tax refund equal to \$150, or \$300 for married persons filing a joint return. An individual will only be eligible for the credit if his tax liability after the application of deductions, subtractions, and credits exceeds \$150, or for married persons filing jointly if their tax liability exceeds \$300. The refund would apply to taxable years beginning on and after January 1, 2018, but before January 1, 2026. The bill contains an emergency clause.

*Patron - Norment*

**SB1631 Virginia income tax; emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, starting with taxable year 2018. The bill increases, starting with taxable year 2018, the amount of the standard deduction (i) from \$3,000 to \$6,000 for an individual or for married persons filing separately and (ii) from \$6,000 to \$12,000 for married persons filing jointly. Starting in 2019, the bill adjusts Virginia's standard deduction by the percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous taxable year. In taxable year 2026, the standard deduction would return to \$3,000 for an individual or a married person filing jointly and \$6,000 for married persons filing jointly, coincident with the expiration of the individual income tax provisions of the federal Tax Cuts and Jobs Act (TCJA). Beginning in taxable year 2020, the individual tax brackets and the personal deductions will also be adjusted by the percentage increase of the C-CPI-U for the previous taxable year.

The bill reduces the corporate income tax from its current rate of six percent to five and one-half percent in 2018 and to five percent in 2019 and subsequent years and establishes subtractions from Virginia corporate taxable income for the amount of global intangible low-taxed income that is included in federal taxable income and the amount of business interest that is disallowed as a deduction from federal taxable income.

The bill provides that any additional revenues generated by the TCJA, beyond those revenues necessary to offset the reduction in revenues resulting from the provisions of the bill, shall be transferred to the Tax Policy Fund, created by the bill, to be used to provide tax reform to Virginia taxpayers starting in fiscal year 2020. The bill contains an emergency clause.

The bill was incorporated into SB 1372.

*Patron - Dunnivant*

**SB1657 Taxpayer relief income tax credit.** Creates a nonrefundable tax credit of \$250 for individuals and \$500 for married persons filing a joint return. The credit is available for taxable years 2018 through 2025 and is available only to tax-

payers who elected to take the standard deduction on their federal tax returns. The bill contains an emergency clause. The bill was incorporated into SB 1372.

*Patron - McDougle*

**SB1697 Corporate income tax subtraction; business interest.** Establishes a subtraction from a corporation's Virginia taxable income for the amount of business interest that is disallowed as a deduction from federal taxable income by § 163(j) of the Internal Revenue Code.

*Patron - Chafin*

**SB1698 Corporate income tax subtraction; Global Intangible Low-Taxed Income.** Establishes a subtraction in computing Virginia taxable income for the amount of Global Intangible Low-Taxed Income that is included in a corporation's federal taxable income.

*Patron - Chafin*

**SB1704 Individual and corporate income tax credit; employers of National Guard members and self-employed National Guard members.** Provides for taxable years 2019 through 2023 a nonrefundable tax credit against individual and corporate income taxes for (i) wages paid by an employer to an employee who is a Virginia National Guard member or (ii) income of a self-employed National Guard member attributable to his business. The amount of the credit shall be 25 percent if such member was in a military pay status for 65 days or more during such taxable year or 15 percent if such member was in a military pay status for 45 days or more during such taxable year. The credit shall not be allowed if such member was in a military pay status for less than 45 days during such taxable year. The bill allows a taxpayer to carry unused credits over for up to five taxable years.

*Patron - Suetterlein*

**SB1706 Lottery Board; regulation of casino gaming; limited operation; penalties.** Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). The bill specifies the licensing requirements for casino gaming and imposes criminal and civil penalties for violations of the casino gaming law. Under the bill, casino gaming shall be conducted only (i) by an Indian tribe acknowledged by the United States Assistant Secretary-Indian Affairs as an Indian tribe within the meaning of Federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and (ii) within a city with a population greater than 200,000. The bill imposes a tax of 10 percent on the adjusted gross receipts of licensees and provides for how the tax proceeds are disbursed. In addition, a referendum must be passed in the city on the question of allowing casino gaming in the city. The bill requires the Board to establish and implement a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. The bill also establishes the Problem Gambling Treatment and Support Fund administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to support organizations that provide assistance to compulsive gamblers.

*Patron - Lewis*

**SB1730 Neighborhood Assistance Act tax credits; qualified neighborhood organizations.** Allows a neighborhood organization to qualify to receive an allocation of tax credits from the Department of Education if at least 50 percent

of the neighborhood organization's revenues are used to provide services to low-income persons or eligible students with disabilities either directly by the organization or through the provision of funds to other organizations and groups providing such services. The bill was incorporated into SB 1742.

*Patron - Deeds*

**SB1739 Income tax; emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, including conformity to the federal Tax Cuts and Jobs Act. The bill also directs any revenues collected by the Commonwealth as a result of the policy changes in the Tax Cuts and Jobs Act be deposited into the Taxpayer Relief Fund, created by the bill. The Department of Taxation is directed to issue refunds on a pro rata basis to taxpayers who filed returns in the immediately preceding taxable year based on the amount of revenues deposited in the Fund. The revenue collection and refund would remain in place through taxable year 2026, the year the individual taxpayer changes in the Tax Cuts and Jobs Act are set to expire. The bill contains an emergency clause. The bill was incorporated into SB 1372.

*Patron - Newman*

**SB1744 Virginia taxable income; standard deduction.** Increases the standard deduction to \$4,000 for individuals and \$8,000 for married persons filing joint returns for taxable year 2018. The bill contains an emergency clause.

*Patron - Wagner*

**SB1754 Neighborhood Assistance Act tax credits.** Allows a neighborhood organization to qualify to receive an allocation of tax credits from the Department of Education if (i) at least 50 percent of the persons served by the neighborhood organization, either directly by the neighborhood organization or through the provision of revenues to other organizations or groups serving such persons, are low-income persons or eligible students with disabilities and (ii) at least 50 percent of the neighborhood organization's revenues are used to provide services to low-income persons or eligible students with disabilities, either directly by the organization or through the provision of revenues to other organizations or groups providing such services.

The bill also provides that an individual shall be eligible for a tax credit equal to 65 percent of the value of a monetary donation or a donation of marketable securities made to an approved neighborhood organization for education purposes. The credit shall not be issued for any donation made in the taxable year with a value of less than \$500 and shall be issued only for the first \$125,000 in value of donations made by the individual during the taxable year. Allowing education-related donations to be eligible for the credit equalizes treatment of education and social services donations. Under current law, individuals are only eligible for a tax credit for a donation to an approved neighborhood organization if the donation is for social services purposes.

The bill also provides that an individual must be a resident of Virginia in order to be considered a low-income person or eligible student with a disability by amending the definitions of those terms. The bill incorporates SB 1730.

*Patron - Hanger*

**SB1767 Remote sales and use tax collection and sufficient activity by remote sellers and marketplace facilitators as to require registration for sales and use tax collection.** Directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$250,000 in annual gross revenue from sales in

Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax on any sales facilitated in the Commonwealth. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019. The bill was incorporated into SB 1083.

The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate.

The bill provides that upon written application and for good cause shown, the Department shall have the discretion to temporarily suspend or delay the collection or reporting requirements of a marketplace facilitator or remote seller for a period not to exceed 184 days after collection is required. The Department is directed to implement protections from penalties and interest for marketplace facilitators that act in good faith but collect an incorrect amount of sales and use tax before January 1, 2026.

The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections.

*Patron - Wagner*

**SB1770 Transportation Funding.** Creates a state-wide approach to transportation funding. The bill repeals the regional sales tax and gas tax enacted in 2013 to fund transportation initiatives in Hampton Roads and Northern Virginia, and raises the statewide gas tax by three percent to fund transportation generally. The bill has a delayed effective date of July 1, 2020, and directs the Secretary of Transportation to report to the Governor and the chairmen of the House Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation regarding changes necessary to existing transportation funding allocations to honor existing contracts and debt service obligations.

*Patron - Deeds*

## Trade and Commerce

### Passed

**HB1925 Assumed or fictitious name certificates.** Conforms January 1, 2020, as the date when certificates of assumed or fictitious name are to be filed centrally with the clerk of the State Corporation Commission rather than with the clerk of court. A provision of existing law provides that central filing of such certificates is scheduled to commence May 1, 2019. Changing that date from May 1, 2019, to January 1 2020, will conform the commencement of central filing to the date set by legislation enacted in the 2018 Session of the General Assembly. The measure has an emergency clause.

*Patron - Keam*

**HB2038 Extended service contracts; bonding requirement; remedies; civil penalty.** Eliminates the requirement that extended service contract providers file and maintain a bond or letter of credit with the Commissioner of the Department of Agriculture and Consumer Services (VDACS). The

bill also (i) requires service contracts to include a disclosure advising a purchaser that he may file a complaint with VDACS if an obligor denies or does not honor a promise made in a contract within 60 days after a request; (ii) authorizes the Commissioner of VDACS, upon receiving a complaint regarding such a request, to investigate whether there has been an improper denial or failure of a purchaser's request and require the obligor to rectify or justify any improper denial or failure; and (iii) authorizes the Commissioner to (a) issue a cease and desist order; (b) deny, suspend, or revoke the obligor's registration; or (c) assess a civil penalty if the denial or failure is not rectified or sufficiently justified. The bill includes procedural provisions concerning the Commissioner's powers to deny, suspend, or revoke an obligor's registration. This bill is identical to SB 1188.

*Patron - Ransone*

**HB2180 Semiconductor Manufacturing Grant Fund; creation.** Creates the Semiconductor Manufacturing Grant Fund for the award of grants to a qualified semiconductor manufacturing company that makes a capital investment of at least \$2.98 billion in a qualified locality and creates and maintains at least 1,106 new jobs with an average annual wage of at least \$92,000. Such a qualified company would be eligible to receive a grant of \$50 million in fiscal year 2020 and a grant of \$20 million in fiscal year 2021, subject to total or partial recapture if the qualified company does not meet the performance metrics agreed to in a memorandum of understanding with the Commonwealth. This bill is identical to SB 1370.

*Patron - Rush*

**HB2218 Virginia Consumer Protection Act; prohibited practices; unlawful practice of an occupation or profession.** Makes the unlawful and unlicensed practice of contracting, real estate brokering, or real estate sales, in connection with a consumer transaction, unlawful under the Virginia Consumer Protection Act.

*Patron - Bourne*

**HB2356 Major Headquarters Workforce Grant Fund.** Creates the Major Headquarters Workforce Grant Fund. A qualified e-commerce company that makes a capital investment of at least \$2 billion in a major headquarters facility in Arlington County and that creates at least 25,000 new full-time jobs with an average annual wage of \$150,000 will be eligible for up to \$550 million in grants from the Fund. A qualified company may also be eligible for an additional \$200 million in grants for creating an additional 12,850 new full-time jobs. This bill is identical to SB 1255.

*Patron - Jones, S.C.*

**HB2362 Advanced Shipbuilding Production Facility Grants; grant availability dates.** Advances the period during which grants shall be available under the Advanced Shipbuilding Production Facility Grant Program to fiscal years 2021 to 2025. Under current law, such grants shall be available during fiscal years 2023 to 2027. The grants provided may not exceed \$40 million in the aggregate and are subject to appropriation by the General Assembly. This bill is identical to SB 1393.

*Patron - Jones, S.C.*

**HB2600 Virginia Telephone Privacy Protection Act.** Provides that a telephone solicitor and the seller on whose behalf or for whose benefit a telephone solicitation call offering or advertising a seller's property, goods, or services is made or initiated are jointly and severally liable for violations of the Virginia Telephone Privacy Protection Act (§ 59.1-510 et seq.). The measure establishes a presumption that a telephone solicitor

tation call offering or advertising a seller's property, goods, or services is made or initiated on behalf of or for the benefit of the seller and provides that this presumption may be rebutted if it is shown by clear and convincing evidence that (i) the seller did not retain or request the telephone solicitor to make telephone solicitation calls on the seller's behalf or for the seller's benefit and (ii) such telephone solicitation calls were made by the telephone solicitor without the seller's knowledge or consent. The measure removes a provision that authorized the Commissioner of the Department of Agriculture and Consumer Services to inquire into possible violations of the Act and contains technical amendments. This bill is identical to SB 1041.

*Patron - Bell, John J.*

**HB2779 Enterprise zones.** Changes from two to three for an enterprise zone designated on or after July 1, 2005, and from two to one for an enterprise zone designated prior to July 1, 2005, the number of times the Governor may renew a five-year designation of an enterprise zone upon recommendation of the Director of the Department of Housing and Community Development. This bill is identical to SB 1785.

*Patron - Edmunds*

**SB1041 Virginia Telephone Privacy Protection Act.** Provides that a telephone solicitor and the seller on whose behalf or for whose benefit a telephone solicitation call offering or advertising a seller's property, goods, or services is made or initiated are jointly and severally liable for violations of the Virginia Telephone Privacy Protection Act (§ 59.1-510 et seq.). The measure establishes a presumption that a telephone solicitation call offering or advertising a seller's property, goods, or services is made or initiated on behalf of or for the benefit of the seller and provides that this presumption may be rebutted if it is shown by clear and convincing evidence that (i) the seller did not retain or request the telephone solicitor to make telephone solicitation calls on the seller's behalf or for the seller's benefit and (ii) such telephone solicitation calls were made by the telephone solicitor without the seller's knowledge or consent. The measure removes a provision that authorized the Commissioner of the Department of Agriculture and Consumer Services to inquire into possible violations of the Act and contains technical amendments. This bill is identical to HB 2600.

*Patron - Black*

**SB1048 Purchase of handguns or other weapons; auxiliary law-enforcement officers.** Eliminates the requirement that a sheriff or local police department seek written authorization or approval from the local governing body before allowing an auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than fair market value.

*Patron - Cosgrove*

**SB1188 Extended service contracts; bonding requirement; remedies; civil penalty.** Eliminates the requirement that extended service contract providers file and maintain a bond or letter of credit with the Commissioner of the Department of Agriculture and Consumer Services (VDACS). The bill also (i) requires service contracts to include a disclosure advising a purchaser that he may file a complaint with VDACS if an obligor denies or does not honor a promise made in a contract within 60 days after a request; (ii) authorizes the Commissioner of VDACS, upon receiving a complaint regarding such a request, to investigate whether there has been an improper denial or failure of a purchaser's request and require the obligor to rectify or justify any improper denial or failure; and (iii) authorizes the Commissioner to (a) issue a cease and desist order; (b) deny, suspend, or revoke the obligor's registration; or (c) assess a civil penalty if the denial or failure is not rectified

or sufficiently justified. The bill includes procedural provisions concerning the Commissioner's powers to deny, suspend, or revoke an obligor's registration. This bill is identical to HB 2038.

*Patron - Dance*

**SB1255 Major Headquarters Workforce Grant Fund.** Creates the Major Headquarters Workforce Grant Fund. A qualified e-commerce company that makes a capital investment of at least \$2 billion in a major headquarters facility in Arlington County and that creates at least 25,000 new full-time jobs with an average annual wage of \$150,000 will be eligible for up to \$550 million in grants from the Fund. A qualified company may also be eligible for an additional \$200 million in grants for creating an additional 12,850 new full-time jobs. This bill is identical to HB 2356.

*Patron - Ruff*

**SB1370 Semiconductor Manufacturing Grant Fund; creation.** Creates the Semiconductor Manufacturing Grant Fund for the award of grants to a qualified semiconductor manufacturing company that makes a capital investment of at least \$2.98 billion in a qualified locality and creates and maintains at least 1,106 new jobs with an average annual wage of at least \$92,000. Such a qualified company would be eligible to receive a grant of \$50 million in fiscal year 2020 and a grant of \$20 million in fiscal year 2021, subject to total or partial recapture if the qualified company does not meet the performance metrics agreed to in a memorandum of understanding with the Commonwealth. This bill is identical to HB 2180.

*Patron - Norment*

**SB1393 Advanced Shipbuilding Production Facility Grants; grant availability dates.** Advances the period during which grants shall be available under the Advanced Shipbuilding Production Facility Grant Program to fiscal years 2021 to 2025. Under current law, such grants shall be available during fiscal years 2023 to 2027. The grants provided may not exceed \$40 million in the aggregate and are subject to appropriation by the General Assembly. This bill is identical to HB 2362.

*Patron - Wagner*

**SB1513 Agricultural equipment; time frame for reporting nonconformities.** Changes the date by which a consumer is required to report to a manufacturer, its agent, or its authorized dealer the nonconformity of agricultural equipment from the earlier to the later of (i) the expiration date of an express written warranty or (ii) one year following the date of delivery of the agricultural equipment.

*Patron - Carrico*

**SB1600 Motor fuels.** Requires every dispensing device used in the retail sale of motor fuel to identify the motor fuel and be labeled in accordance with a publication of the National Institute of Standards and Technology. The measure authorizes the Board of Agriculture and Consumer Services to amend or reject such identification or labeling requirements. Existing provisions regarding the labeling of motor fuel dispensing devices are removed.

*Patron - Dance*

**SB1785 Enterprise zones.** Changes from two to three for an enterprise zone designated on or after July 1, 2005, and from two to one for an enterprise zone designated prior to July 1, 2005, the number of times the Governor may renew a five-year designation of an enterprise zone upon recommenda-

tion of the Director of the Department of Housing and Community Development. This bill is identical to HB 2779.

*Patron - McDougle*

## Failed

**HB1754 Digital devices; deactivation or alteration of embedded software.** Prohibits the original equipment manufacturer of a digital device from deactivating embedded software, defined in the bill, in the digital device or altering embedded software so as to substantially alter the functioning of the digital device as a response to its being repaired by an independent repair provider. The measure also provides that the original equipment manufacturer of a digital device shall not be liable to an owner of a digital device for any damages resulting from repair or modification to the digital device by an independent repair provider made at the request of the owner.

*Patron - Carter*

**HB2423 Apparel-cleaning serves; discrimination; civil penalty.** Prohibits a cleaning establishment from discriminating against a person because of the person's gender with respect to the price charged for apparel-cleaning services of similar or like kind. Price differences based specifically upon the amount of time, difficulty, or cost of providing the apparel-cleaning services do not violate this prohibition. The measure also requires each cleaning establishment to provide a customer with a complete written price list upon request. Violations are subject to a civil penalty of up to \$100.

*Patron - Levine*

**HB2535 Digital services; protection for minors.** Requires the operator of a digital service, which is defined as a website, online service, online application, or mobile application, to permit minors to remove, or to request and obtain removal of, content or information posted on a digital service. The measure prohibits an operator of a digital service directed to minors from marketing or advertising to minors specified products or services that minors are prohibited from buying. The measure also prohibits marketing or advertising certain products on the basis of personal information specific to a minor or knowingly using, disclosing, compiling, or allowing a third party to do so. Violations are prohibited practices under the Virginia Consumer Protection Act. The measure has a delayed effective date of January 1, 2020.

*Patron - Ayala*

**HB2564 Virginia Telephone Privacy Protection Act; transmission of caller identification information.** Prohibits any person, with the intent to defraud, harass, cause harm, or wrongfully obtain anything of value, from making, placing, or initiating a call or text message or engaging in conduct that results in the display of misleading, false, or inaccurate caller identification information on the receiving party's telephone. The measure prohibits conduct to otherwise (i) circumvent caller identification technology that is designed to allow the receiving party to identify the telephone number, location, or organization from which the call or text message originates or (ii) misrepresent the origin and nature of the call or text message. The measure also prohibits a person, with such intent, from displaying (a) a Virginia area code on the recipient's caller identification system unless the person making, placing, or initiating the call or text message maintains a physical presence in the Commonwealth or (b) the receiving party's telephone number on the contacted party's caller identification system. A violation of these provisions is subject to the

remedies provided in the Virginia Telephone Privacy Protection Act (§ 59.1-510 et seq.).

*Patron - Pillion*

**HB2617 Fantasy Contest Act; registration requirements.** Allows the Department of Agriculture and Consumer Services (the Department) to set fantasy contest operator registration and renewal fees not to exceed (i) \$5,000 for any applicant with annual gross receipts from the operation of fantasy contests in Virginia of not greater than \$250,000 in the most recently completed fiscal year, (ii) \$20,000 for any applicant with annual gross receipts from the operation of fantasy contests in Virginia of greater than \$250,000 but not greater than \$500,000 in the most recently completed fiscal year, or (iii) \$40,000 for any applicant with annual gross receipts from the operation of fantasy contests in Virginia of greater than \$500,000 in the most recently completed fiscal year. Under current law, every registration must be accompanied by an initial registration fee set by the Department. The bill changes the annual consumer protection testing and financial audit requirements for registrants to a single test conducted within the first year of operation and financial audits at the request of the Department.

*Patron - Fowler*

**HB2793 Cybersecurity; care and disposal of customer records; security for connected devices.** Requires any business to take all reasonable steps to dispose of, or arrange for the disposal of, customer records within its custody or control containing personal information when the records are no longer to be retained by the business by shredding, erasing, or otherwise modifying the personal information in those records to make it unreadable or undecipherable. The measure requires any business that owns or licenses personal information about a customer to implement and maintain reasonable security procedures and practices appropriate to the nature of the information in order to protect the personal information from unauthorized access, destruction, use, modification, or disclosure. The measure also requires a manufacturer of a device or other physical object that is capable of connecting directly or indirectly to the Internet to (i) equip the device with reasonable security features, (ii) demonstrate conformity with industry standards for cybersecurity and resiliency, (iii) provide an opt-in forum or registration capability to allow consumers to know when a vulnerability or breach is discovered, (iv) make patch notification and end-of-life support events easily obtainable by registered users of the manufacturer's connected devices, and (v) when it is aware of existing vulnerabilities that put more than 500 users at risk, notify the office of the Chief Information Officer of the Commonwealth and provide remediation steps to consumers without unreasonable delay. The bill has a delayed effective date of January 1, 2020.

*Patron - Ayala*

**SB1177 Virginia Health Club Act; automated external defibrillator required in health clubs.** Requires each health club location to have a working automated external defibrillator, which is defined in the bill.

*Patron - McPike*

**SB1549 Virginia Consumer Protection Act; exclusion.** Updates the existing exception in the Virginia Consumer Protection Act for "small loan companies" to refer to "consumer finance companies."

*Patron - Surovell*

**SB1566 Fantasy Contest Act; registration requirements.** Allows the Department of Agriculture and Consumer Services (the Department) to set fantasy contest operator registration and renewal fees not to exceed (i) \$5,000

for any applicant with annual gross receipts from the operation of fantasy contests in Virginia of not greater than \$250,000 in the most recently completed fiscal year, (ii) \$20,000 for any applicant with annual gross receipts from the operation of fantasy contests in Virginia of greater than \$250,000 but not greater than \$500,000 in the most recently completed fiscal year, or (iii) \$40,000 for any applicant with annual gross receipts from the operation of fantasy contests in Virginia of greater than \$500,000 in the most recently completed fiscal year. Under current law, every registration must be accompanied by an initial registration fee set by the Department. The bill changes the annual consumer protection testing and financial audit requirements for registrants to a single test conducted within the first year of operation and financial audits at the request of the Department.

*Patron - Marsden*

**SB1721 Department of Agriculture and Consumer Services; Charitable Gaming Board; Electronic Gaming Devices Act; penalty.** Establishes the Electronic Gaming Devices Act to be administered by the Department of Agriculture and Consumer Services (the Department). The bill requires the Charitable Gaming Board to promulgate regulations (i) establishing a process for the approval or disapproval of electronic gaming devices and the individual games offered on such devices as games of skill; (ii) requiring registration for the placement of an approved electronic gaming device in a club, establishment, or restaurant; and (iii) requiring that a charitable organization that has been registered by the Department be designated to receive a predetermined percentage of the gross receipts generated by the electronic gaming device. The bill also requires suppliers and manufacturers of electronic gaming devices to obtain a permit from the Department prior to selling or distributing electronic gaming devices in the Commonwealth and imposes a penalty of not more than \$1,000 for each violation of the provisions of the bill. The bill was incorporated into SB 1738.

*Patron - Cosgrove*

## Unemployment Compensation

### Failed

**HB2120 Paid family and medical leave program.** Requires the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2022. Under the program, benefits are paid to eligible employees for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees beginning in 2021. The amount of a benefit is 70 percent of the employee's average weekly wage, not to exceed \$850 per week, which amount is required to be adjusted annually to reflect changes in the state-wide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. Self-employed individuals are provided the option of participating in the program. The bill has a delayed effective date of January 1, 2020.

*Patron - Carroll Foy*

**HB2480 Unemployment compensation; electronic filing of employers' reports.** Requires all employers, commencing January 1, 2020, to submit quarterly unemployment tax and payroll reports electronically to the Virginia Employment Commission. Currently, electronic filing is required for employers with 100 or more employees. The measure provides that the Commission will accept paper reports only if the requirement creates an unreasonable burden on the

employer. The measure has a delayed effective date of January 1, 2020.

*Patron - Gooditis*

**SB1639 Paid family and medical leave program.** Requires the Virginia Employment Commission to establish and administer a paid family and medical leave program. Under the program, benefits are paid to eligible employees for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees. The amount of a benefit is 70 percent of the employee's average weekly wage, not to exceed \$850 per week, which amount is required to be adjusted annually to reflect changes in the Consumer Price Index. The measure caps the duration of paid leave at 12 weeks in any 52-week period, though 26 weeks of paid leave may be taken if the leave qualifies as military caregiver leave under the federal Family and Medical Leave Act. Employers with 25 or fewer employees are exempt from paying their contribution to the program but may elect to participate voluntarily. Self-employed individuals are provided the option of participating in the program. The measure also provides that employers may operate their own equivalent voluntary plans.

*Patron - Boysko*

## Virginia Energy Plan

### Passed

**HB2747 Southwest Virginia Energy Research and Development Authority.** Creates the Southwest Virginia Energy Research and Development Authority (the Authority) to promote opportunities for energy development in Southwest Virginia, to create jobs and economic activity in Southwest Virginia consistent with the Virginia Energy Plan, and to position Southwest Virginia and the Commonwealth as a leader in energy workforce and energy technology research and development. The Authority will be composed of 11 nonlegislative members, of whom four will be appointed by the Governor, four will be appointed by the Speaker of the House, and three will be appointed by the Senate Committee on Rules. The Authority is charged with, among other tasks, (i) leveraging the strength in energy research and workforce development of Virginia's public and private institutions of higher education; (ii) supporting the development of pump storage hydropower in Southwest Virginia and energy storage generally; (iii) promoting the development of renewable energy generation facilities on brownfield sites, including abandoned mine sites; (iv) promoting energy workforce development; and (v) assisting energy technology research and development by promoting the development of a Southwest Virginia Energy Park. The bill has a sunset date of July 1, 2029. This bill is identical to SB 1707.

*Patron - Kilgore*

**SB1707 Southwest Virginia Energy Research and Development Authority.** Creates the Southwest Virginia Energy Research and Development Authority (the Authority) to promote opportunities for energy development in Southwest Virginia, to create jobs and economic activity in Southwest Virginia consistent with the Virginia Energy Plan, and to position Southwest Virginia and the Commonwealth as a leader in energy workforce and energy technology research and development. The Authority will be composed of 11 nonlegislative members, of whom four will be appointed by the Governor, four will be appointed by the Speaker of the House, and three will be appointed by the Senate Committee on Rules. The Authority is charged with, among other tasks, (i) leveraging the

strength in energy research and workforce development of Virginia's public and private institutions of higher education; (ii) supporting the development of pump storage hydropower in Southwest Virginia and energy storage generally; (iii) promoting the development of renewable energy generation facilities on brownfield sites, including abandoned mine sites; (iv) promoting energy workforce development; and (v) assisting energy technology research and development by promoting the development of a Southwest Virginia Energy Park. The bill has a sunset date of July 1, 2029. This bill is identical to HB 2747.

*Patron - Chafin*

## Failed

**HB2240 Virginia Energy Plan; covenants restricting solar energy collection devices.** Clarifies that no condominium instruments may be amended to prohibit a property owner in a community association from installing a solar energy collection device on that owner's property except by agreement of unit owners of units to which two-thirds of the votes in the unit owners' association appertain, and no declaration may be amended to establish such a prohibition except by a two-thirds vote of the lot owners, unless otherwise provided in the condominium instruments or the declaration. The bill provides that a community association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices on property designated and intended for individual ownership and use only if such restrictions do not decrease the efficiency of a solar energy collection device by an average of more than 15 percent per year. The bill provides that its provisions shall not be deemed to invalidate any reasonable restrictions concerning the size, place, and manner of placement of solar energy collection devices on property designated and intended for individual ownership and use if such restrictions were in effect on the effective date of the bill.

*Patron - Delaney*

**HB2501 Greenhouse gas emissions; inventory.** Directs the Division of Energy of the Department of Mines, Minerals and Energy, as part of the 10-year Virginia Energy Plan required by current law, to inventory greenhouse gas emissions and provide information on (a) total emissions attributable to state government operations, (b) emissions by type of greenhouse gas according to the economic sector to which such emissions are attributable, and (c) the identity and output of each of the 10 largest sources of emissions of each type of greenhouse gas.

*Patron - Rasoul*

## Waters of the State, Ports and Harbors

### Passed

**HB2358 Potomac Aquifer recharge monitoring; advisory board; laboratory established; SWIFT Project.** Creates an advisory board and a laboratory to monitor the effects of the Sustainable Water Infrastructure for Tomorrow (SWIFT) Project being undertaken by the Hampton Roads Sanitation District (HRSD).

The bill establishes a 10-member advisory board called the Potomac Aquifer Recharge Oversight Committee (the Committee), directing it to ensure that the SWIFT Project is moni-

tored independently. The bill provides that the Committee shall consist of the State Health Commissioner, the Director of the Department of Environmental Quality, the Executive Director of the Hampton Roads Planning District Commission, the two Co-Directors of the Laboratory, the Director of the Occoquan Watershed Monitoring Laboratory, two Virginia citizens appointed by the Governor, and two nonvoting members. The Committee is required by the bill to meet at least quarterly during the initial three years of its existence. The bill also authorizes the Committee to appoint a science and technical advisory council and directs the Committee to request funding from HRSD for the first three years of monitoring of the recharge of the aquifer.

The bill also creates the Potomac Aquifer Recharge Monitoring Laboratory (the Laboratory) at a location to be selected in the Hampton Roads region, placing it under the co-direction of one Old Dominion University faculty member and one Virginia Tech faculty member. The bill provides that the Laboratory shall monitor the impact of the SWIFT Project on the Potomac Aquifer, manage testing data, and conduct water sampling and analysis.

The bill authorizes both the Commissioner of the Department of Health and the State Water Control Board to issue emergency orders to halt injection or make any change to any facility of the SWIFT Project. This bill is identical to SB 1414.

*Patron - Jones, S.C.*

**HB2403 Impacts to wetlands; permit requirements for compensation.** Requires the State Water Control Board to evaluate Virginia Water Protection Permits mitigation options for impacts to wetlands on a case-by-case basis with consideration for which option is practicable and ecologically and environmentally preferable, including, in terms of replacement of acreage and functions, which option has the greatest likelihood of success and avoidance of temporal loss of acreage and function.

*Patron - Hodges*

**HB2637 Loans and grants for agricultural best management practices; riparian buffers.** Authorizes the State Water Control Board to issue loans and grants from the Virginia Water Facilities Revolving Fund for the construction, renovation, improvement, or equipping of facilities or structures to implement agricultural best management practices to prevent pollution of state waters. Current law authorizes the Board to only issue loans for the construction of such facilities. The bill includes among the types of facilities or structures for which a loan or grant may be issued riparian buffers planted in trees and maintained in accordance with the terms and conditions of the loan or grant.

*Patron - Webert*

**HB2762 Firefighting foam management.** Prohibits, beginning July 1, 2021, the use for training purposes or for testing, with some exceptions, of a class B firefighting foam that contains intentionally added PFAS chemicals, as defined in the bill. This bill received Governor's recommendations.

*Patron - Bulova*

**HB2783 Living shorelines; loans to businesses.** Authorizes a local government that has a funding program that provides low-interest loans or other incentives for the establishment of living shorelines to provide such incentives to businesses. The bill includes bed-and-breakfast operations, campgrounds, restaurants, and businesses that use working waterfronts among the eligible businesses, and it requires such a business to be located within a locality that is in the Rural Coastal Virginia Community Enhancement Authority in order

to be eligible for loan funding. Current law authorizes the provision of such incentives only to individual residents of the Commonwealth.

*Patron - Hodges*

**SB1388 Chesapeake Bay Watershed Implementation Plan; Lynnhaven River and Little Creek watersheds.** Repeals directions to state agencies to exclude the Lynnhaven River and Little Creek watersheds from the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.

*Patron - Wagner*

**SB1414 Potomac Aquifer recharge monitoring; advisory board; laboratory established; SWIFT Project.** Creates an advisory board and a laboratory to monitor the effects of the Sustainable Water Infrastructure for Tomorrow (SWIFT) Project being undertaken by the Hampton Roads Sanitation District (HRSD). The bill establishes a 10-member advisory board called the Potomac Aquifer Recharge Oversight Committee (the Committee), directing it to ensure that the SWIFT Project is monitored independently. The bill provides that the Committee shall consist of the State Health Commissioner, the Director of the Department of Environmental Quality, the Executive Director of the Hampton Roads Planning District Commission, the two Co-Directors of the Laboratory, the Director of the Occoquan Watershed Monitoring Laboratory, two Virginia citizens appointed by the Governor, and two nonvoting members. The Committee is required by the bill to meet at least quarterly during the initial three years of its existence. The bill also authorizes the Committee to appoint a science and technical advisory council and directs the Committee to request funding from HRSD for the first three years of monitoring of the recharge of the aquifer.

The bill also creates the Potomac Aquifer Recharge Monitoring Laboratory (the Laboratory) at a location to be selected in the Hampton Roads region, placing it under the co-direction of one Old Dominion University faculty member and one Virginia Tech faculty member. The bill provides that the Laboratory shall monitor the impact of the SWIFT Project on the Potomac Aquifer, manage testing data, and conduct water sampling and analysis.

The bill authorizes both the Commissioner of the Department of Health and the State Water Control Board to issue emergency orders to halt injection or make any change to any facility of the SWIFT Project. This bill is identical to HB 2358.

*Patron - Mason*

**SB1459 Port of Virginia Economic and Infrastructure Development Grant Fund and Program.** Extends the sunset date from June 30, 2020, to June 30, 2025, for the Port of Virginia Economic and Infrastructure Development Grant Fund and Program.

*Patron - Vogel*

**SB1599 Ground water withdrawal; Eastern Shore Groundwater Management Area; incentives for use.** Directs the State Water Control Board to adopt regulations providing incentives for the withdrawal of water from the surficial aquifer, rather than the deep aquifer, in the Eastern Shore Groundwater Management Area, as defined in the bill. Such incentives may include extended permit terms of as long as 20 years, an accelerated permit process, or discounted permit fees.

*Patron - Lewis*

## Failed

**HB1879 Stormwater management facilities; private residential lots; disclosure.** Directs the State Water Control Board to adopt regulations requiring any local stormwater management authority that requires a residential landowner to maintain a stormwater management facility on his property to record with the deed for the property a statement of the specifications and requirements and a schedule of audits of the facility. The bill requires the seller of any property with such a facility to disclose the specifications, requirements, and schedule of audits to a purchaser of the property.

*Patron - Convirs-Fowler*

**HB2062 Ground water management; human consumption.** Defines "human consumption" of ground water as drinking, food preparation, dishwashing, bathing, showering, hand washing, teeth brushing, and maintaining oral hygiene.

*Patron - Carr*

**HB2063 Ground water withdrawals; waste.** Provides that when the State Water Control Board determines that surface water is reasonably available for use in a ground water management area, the use of ground water other than from the surficial aquifer in such management area for a purpose other than human consumption shall be deemed to constitute waste. The bill prohibits the issuance of a ground water withdrawal permit to authorize the withdrawal of water that constitutes waste. The bill contains technical amendments.

*Patron - Carr*

**HB2064 Ground water withdrawals; allocation.** Requires any person applying for a ground water withdrawal permit in the Eastern Virginia Groundwater Management Area (EVGMA) who proposes to use 50 percent or more of the water to be withdrawn for human consumption to submit documentation of such use to the State Water Control Board (the Board). The bill requires the Board to conduct a technical evaluation to determine whether the proposed withdrawal, when combined with all existing lawful withdrawals, will lower water levels in any confined aquifer. The bill prohibits the Board from issuing a permit for such human consumptive use if the withdrawal would lower levels in any confined aquifer below a point representing 80 percent of the distance between the land surface and the top of the aquifer. For a use that does not qualify as a human consumptive use, the bill prohibits the Board from issuing a permit if the withdrawal would lower such levels below a point representing eight percent of the distance between the land surface and the top of the aquifer.

The bill requires any existing permittee who wishes to be considered a human consumption permittee to submit water use data to the Board showing that 50 percent or more of the ground water withdrawn during the year ending July 1, 2020, was used for human consumption. The bill directs the Board to evaluate the effects of withdrawal for each permit holder in the EVGMA as of July 1, 2019, and to modify the permit of any permit holder whose withdrawals will lower the water in a contained aquifer to a level below 80 percent (for a human consumption permittee) or eight percent (for any other permittee) of the distance between the land surface and the top of the aquifer. The bill authorizes the Board to charge a fee of up to \$10,000 for each such technical evaluation. Certain provisions of the bill are set to expire on July 1, 2021.

*Patron - Carr*

**HB2103 Stormwater management plans; erosion and sediment control plans; portion of project.** Directs the

State Water Control Board to establish a procedure that allows an operator to submit stormwater management plans that are sufficient for a particular proposed land-disturbing activity without requiring such plans to cover any subsequent land-disturbing activity anticipated at the same location or an adjacent location. The bill also amends a provision of the law that is not yet effective, directing the establishment of the same procedure as it applies not only to stormwater management plans but also to erosion and sediment control plans.

*Patron - Freitas*

**HB2154 Stormwater management; grandfathered land-disturbing activities.** Authorizes any land-disturbing activity that is 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 grandfather such activities until July 1, 2019.

*Patron - Stolle*

**HB2243 Virginia Energy Efficiency Revolving Fund.** Creates the Virginia Energy Efficiency Revolving Fund to provide no-interest loans to any locality, school division, or public institution of higher education for energy conservation or efficiency projects.

*Patron - Sullivan*

**HB2361 Stormwater management; land-disturbing activities; prior technical criteria.** Provides that the state-wide technical criteria for stormwater management that were adopted by the State Water Control Board during 2011 and became effective July 1, 2014, shall be applicable to those land-disturbing activities that are subject to a stormwater management permit that was initially issued prior to July 1, 2014, where notice of transfer of such permit to another party is provided to the Department of Environmental Quality after December 31, 2020, but no land-disturbing activities have commenced before such provision of notice. The bill creates exceptions for projects involving certain governmental bonding or public debt financing and for land-disturbing activities that are served by existing stormwater management facilities.

*Patron - Jones, S.C.*

**HB2505 Department of Environmental Quality; stormwater regulations; Tennessee River Basin.** Directs the Department of Environmental Quality to adopt regulations to permit, regulate, and control stormwater runoff in the Tennessee River Basin that are no more stringent than those regulations already adopted for the regulation of stormwater runoff into other waters of the Commonwealth.

*Patron - O'Quinn*

**HB2506 Chesapeake Bay Preservation Areas; filling low-lying areas.** Directs the State Water Control Board to adopt regulations allowing the owner of residential property in a Chesapeake Bay Preservation Area to deposit appropriate fill material in certain low-lying areas within 50 landward feet of a resource protection area (RPA) located on the property. The bill establishes certain provisions that the regulations shall contain and provides that no filling that is carried out in compliance with such regulations shall (i) be considered a land-disturbing activity for purposes of stormwater management and erosion and sediment control, (ii) require a Virginia Water Protection Permit, or (iii) require a permit from the Virginia Marine Resources Commission. The bill also authorizes certain localities to adopt ordinances establishing a local permit process for projects that disturb less than one acre, and it requires projects that disturb one acre or more of land to follow general permit requirements established in statute.

*Patron - Hodges*

**SB1328 Stormwater Local Assistance Fund; grants to non-MS4 localities.** Authorizes the Department of Environmental Quality (the Department), with the approval of the Secretary of Natural Resources, to designate a portion of the moneys appropriated to the Stormwater Local Assistance Fund for fiscal year 2020 and any subsequent fiscal year, in an amount no greater than 20 percent of the appropriated amount, to provide matching grants to local governments that are not regulated under municipal separate storm sewer system (MS4) permits for the planning, design, and implementation of stormwater best management practices. The bill directs the Department to prioritize grants for projects that are regional in scope. The bill requires any designated moneys remaining after the Department has completed its annual solicitation of grant applications and made related authorization decisions for projects proposed by non-MS4 localities to be available for authorization by the Department to additional projects of MS4 localities. The bill directs the Department to seek stakeholder input and public comment in developing eligibility criteria and to submit such criteria by January 1, 2020, for consideration by the State Water Control Board.

*Patron - Hanger*

## Welfare (Social Services)

### Passed

**HB1622 Out-of-court and recorded statements made by a child; abuse or neglect of a child.** Provides that, in any civil proceeding involving the alleged abuse or neglect of a child, an out-of-court statement made by a child 14 years of age or younger at the time the statement is offered into evidence describing sexual acts with or on the child by another may be admissible. The bill further provides that in any such civil proceeding, a recorded statement of the alleged victim of the abuse or neglect, made prior to the proceeding, may be admissible if the alleged victim is 14 years of age or younger at the time the statement is offered into evidence. Under current law, such out-of-court and recorded statements may be admissible when the child is 12 years of age or younger.

*Patron - Collins*

**HB1627 Department of Social Services; child welfare agencies; prioritization of inspections.** Requires the Commissioner of Social Services to prioritize inspections of child welfare agencies in the following order: (i) inspections conducted in response to a complaint; (ii) inspections of licensed or registered child welfare agencies; (iii) inspections of license-exempt or unlicensed child welfare agencies that have entered into a contract with the Department of Social Services or a local department to provide child care services funded by the Child Care and Development Block Grant; and (iv) inspections of license-exempt and unlicensed child welfare agencies.

*Patron - Orrock*

**HB1659 Child abuse and neglect; mandatory reporters.** Adds to the list of persons who are required to report suspected child abuse or neglect ministers, priests, rabbis, imams, and duly accredited practitioners of any religious organization or denomination usually referred to as a church; however, the bill exempts such clergy members from the mandatory reporting requirement when the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept confidential or (ii) would be subject to the exemptions set

forth in § 8.01-400 or 19.2-271.3 if offered as evidence in court. This bill is identical to SB 1257.

*Patron - Delaney*

**HB1671 Child abuse and neglect; investigations by local boards of social services.** Requires local boards of social services, when investigating an individual who is the subject of child abuse or neglect allegations or the subject of a family assessment, to determine whether such individual has resided in another state within at least the preceding five years and, if he has resided in another state, to request a search of the child abuse and neglect registry or equivalent registry maintained by such state.

*Patron - Mullin*

**HB1728 Post-adoption contact and communication agreements.** Provides that a local board of social services or child welfare agency required to file a petition for a permanency planning hearing may inform the birth parents and shall inform the adoptive parents that they may enter into a post-adoption contact and communication agreement. The bill further provides that such local board of social services or child welfare agency shall inform the child if he is 14 years of age or older that he may consent to such an agreement. This bill is identical to SB 1139.

*Patron - Reid*

**HB1730 Foster care; security freeze on credit report.** Requires local departments of social services to request the placement of a security freeze on the credit report or record of any child who has been in foster care for at least six months in order to prevent cases of identity theft and misuse of personal identifying information.

The bill directs a local department to request the removal of such security freezes (i) upon the child's removal from foster care, (ii) upon the child's request if the child is at least 16 years of age, or (iii) upon a determination that doing so would be in the best interest of the child. The bill requires the local department to conduct annual credit checks on all such children between the ages of 14 and 18. This bill is identical to SB 1253.

*Patron - Brewer*

**HB1740 Government Data Collection and Dissemination Practices Act; exemptions.** Modifies current law to provide that personal information systems related to adult services and adult protective services that are maintained by the Department for Aging and Rehabilitative Services (DARS), rather than the Department of Social Services, are exempt from the Government Data Collection and Dissemination Practices Act. The bill also adds to such exemption DARS personal information systems related to auxiliary grants.

*Patron - Bell, Richard P.*

**HB1746 Virginia Initiative for Employment Not Welfare; name change.** Changes the name of the Virginia Initiative for Employment Not Welfare to the Virginia Initiative for Education and Work.

*Patron - Bell, Richard P.*

**HB1815 Assisted living facilities; emergency electrical power source; disclosure to prospective residents.** Directs the State Board of Social Services to adopt regulations that require assisted living facilities to disclose to each prospective resident, or his legal representative, in writing in a document provided to the prospective resident or his legal representative and as evidenced by the written acknowledgement of the resident or his legal representative, whether the facility has an on-site emergency electrical power source for the provi-

sion of electricity during an interruption of the normal electric power supply and, if the assisted living facility does have an on-site emergency electrical power source, (i) the items for which such on-site emergency electrical power source will supply power in the event of an interruption of the normal electric power supply and (ii) whether staff of the assisted living facility have been trained to maintain and operate such on-site emergency electrical power source to ensure the provision of electricity during an interruption of the normal electrical power supply. The bill also provides that an on-site emergency electrical power source shall include both permanent on-site emergency electrical power sources and portable on-site emergency electrical power sources, provided such portable on-site emergency electrical power source remains on the premises of the assisted living facility at all times.

*Patron - Hope*

**HB1819 Child support enforcement; fees.** Raises from \$25 to \$35 the fee charged by the State Board of Social Services to individuals who authorize the Department of Social Services to enforce child support obligations but who have never received assistance pursuant to the Temporary Assistance for Needy Families program. The bill provides that such fee shall be collected and retained from the amount of child support collected annually in excess of \$550.

*Patron - Delaney*

**HB1871 Virginia Initiative for Employment Not Welfare (VIEW); transitional child care.** Allows VIEW participants whose Temporary Assistance for Needy Families financial assistance is terminated to receive child care assistance for up to 12 months after termination if the individual is enrolled in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia and is taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license. Under current law, such child care assistance is only available if it enables the individual to work. This bill is identical to SB 1145.

*Patron - Jones, J.C.*

**HB1953 Appeals from founded complaints of child abuse or neglect; concurrent criminal investigations.** Provides that whenever an appeal of a finding by a local department of social services is made and a criminal investigation is also commenced against the appellant for the same conduct involving the same victim as investigated by the local department, the appeal process shall automatically be stayed until the criminal investigation is closed or, in the case of a criminal investigation that is not completed within 180 days of the appellant's request for an appeal, for 180 days. This bill is identical to SB 1416.

*Patron - Campbell, J.L.*

**HB1987 Financial exploitation of aged or incapacitated adults; authority to refuse transactions or disbursements.** Authorizes financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds, regardless of whether such staff has reported suspected financial exploitation, if the financial institution staff (i) believes in good faith that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult or (ii) makes, or has actual knowledge that another person has made, a report to the local department of social services or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult. The

measure authorizes financial institution staff to continue to refuse to execute a transaction, delay a transaction, or refuse to disburse funds for not more than 30 business days after the date such transaction or disbursement was initially requested on the basis of such a good faith belief, unless otherwise ordered by a court. The measure authorizes such staff, to the extent permitted by law, to report any information or records relevant to an investigation. A financial institution and its staff are immune from civil or criminal liability, absent gross negligence or willful misconduct, for refusing to execute a transaction, delaying a transaction, or refusing to disburse funds pursuant to this measure. This bill is identical to SB 1490.

*Patron - Toscano*

**HB2005 Temporary Assistance for Needy Families (TANF); eligibility.** Makes eligible for TANF any person who is between the ages of 18 and 19 years old and a full-time student in a secondary school or in the equivalent level of career and technical education. Under current law, such persons are eligible for TANF if regularly attending, and expected to graduate from prior to turning 19 years of age, a secondary school or the equivalent level of career and technical education.

*Patron - Aird*

**HB2014 Family First Prevention Services Act; statutory alignment.** Aligns the Code of Virginia with the federal Family First Prevention Services Act of 2018. The bill contains an emergency clause for provisions of the bill relating to background checks for employees of, volunteers at, and contractors providing services to juveniles at children's residential facilities.

*Patron - Peace*

**HB2108 Foster care agreements; rights of foster parent; dispute resolution.** Directs the Department of Social Services to promulgate emergency regulations to ensure collaboration, communication, access, and transparency between the local boards and licensed child-placing agencies and foster parents. The bill also directs local boards of social services and licensed child-placing agencies to implement and publicize a dispute resolution process through which a foster parent may contest an alleged violation of such regulations by the local board or licensed child-placing agency.

*Patron - Bell, Richard P.*

**HB2208 Adoption by relative.** Expands the applicability of adoption procedures for a child's close relatives to all of the child's adult relatives, including stepparents, stepbrothers or stepsisters, and all other adult relatives of the child by marriage or adoption.

*Patron - Brewer*

**HB2225 Financial institutions; reporting by financial institution staff; supporting information and records.** Provides that any financial institution staff who suspects that an adult has been financially exploited may provide supporting information and records to the local department of social services or the adult protective services hotline, in addition to reporting such suspected exploitation to such local department or such hotline provided for under current law.

*Patron - O'Quinn*

**HB2258 Child day programs; staff training requirements; exemption for cooperative preschools.** Exempts parents and other persons who participate in a cooperative preschool center on behalf of a child attending such cooperative preschool center, including such parents and persons who are counted for the purpose of determining staff-to-child ratios, from orientation and training requirements applicable to

staff of child day programs. The bill provides that such exempt parents may be required to complete up to four hours of training per year.

*Patron - Pogge*

**HB2521 Board of Social Services; regulations governing assisted living facilities; staffing during overnight hours.** Directs the Board of Social Services to amend regulations governing staffing of assisted living facility units with residents who have serious cognitive impairment due to a primary psychiatric diagnosis of dementia and are unable to recognize danger or protect their own safety and welfare to require that the following number of direct care staff members be awake and on duty during overnight hours: (i) when 22 or fewer residents are present, at least two direct care staff members; (ii) when 23 to 32 residents are present, at least three direct care staff members; (iii) when 33 to 40 residents are present, at least four direct care staff members; and (iv) when more than 40 residents are present, at least four direct care staff members plus at least one additional direct care staff member for every 10 residents or portion thereof in excess of 40 residents. This bill is identical to SB 1410.

*Patron - Rasoul*

**HB2560 Protective services; adult abuse, neglect, and exploitation; multidisciplinary teams.** Authorizes local departments of social services to foster, when practicable, the creation, maintenance, and coordination of hospital and community-based multidisciplinary teams focused on the abuse, neglect, and exploitation of adults 60 years of age or older or 18 years of age or older who are physically or mentally incapacitated. The bill provides that such teams may: (i) assist the local department of social services in identifying abused, neglected, and exploited adults; (ii) coordinate medical, social, and legal services for abused, neglected, and exploited adults and their families; (iii) develop innovative programs for detection and prevention of the abuse, neglect, and exploitation of adults; (iv) promote community awareness and action to address adult abuse, neglect, and exploitation; and (v) disseminate information to the general public regarding the problem of adult abuse, neglect, and exploitation, strategies and methods for preventing such abuse, neglect, and exploitation, and treatment options for abused, neglected, and exploited adults. The bill also allows the attorney for the Commonwealth in each jurisdiction to establish a multidisciplinary adult abuse, neglect, and exploitation response team to review cases of abuse, neglect, and exploitation of adults. Such multidisciplinary team may be established separately or in conjunction with any already existing multidisciplinary team. This bill is identical to SB 1224.

*Patron - Pillion*

**HB2597 Child abuse and neglect report or complaint; victims of sex trafficking; taking child victim into custody.** Requires a local department of social services to conduct a sex trafficking assessment upon receiving a complaint of suspected child abuse that is based upon information and allegations that a child is a victim of sex trafficking, provided that the local department has not determined that a separate investigation or family assessment is required. The bill also allows a child-protective services worker of a local department responding to such complaint to take the child victim into custody and allows the local department to maintain custody of the child for up to 72 hours without prior approval of a parent or guardian. As introduced, this bill was a recommendation of the Virginia State Crime Commission. This bill is identical to SB 1661.

*Patron - Herring*

**HB2743 Child protective services; investigations and family assessments; contact information.** Requires any

individual who is the subject of a child abuse or neglect investigation or family assessment to notify the local department of social services prior to changing his place of residence and provide the local department with the address of his new residence. The bill also requires the Department of Social Services to document and report to the Governor and the General Assembly by November 1, 2020, the number of individuals who notified a local department of social services of a change in address and provided updated contact information between July 1, 2019, and July 1, 2020.

*Patron - Morefield*

**HB2749 Temporary Assistance for Needy Families; restrictions on use of cash assistance; report.** Directs the Department of Social Services to report annually by December 1 to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions information regarding the number of reported violations of restrictions on the use of TANF cash assistance, including the number of reported cases involving multiple violations of such restrictions. This bill was vetoed by the Governor.

*Patron - Poindexter*

**HB2756 Child day programs; licensure exemption.** Exempts from licensure any child day program in which child-minding services are offered on the premises of a business for no more than four children under the age of 13 at any given time and for no more than eight hours per day, provided that the parent or guardian of every child receiving care is an employee of the business who is on the premises of the business and can resume responsibility for the child's supervision within 30 minutes upon request.

*Patron - Miyares*

**HB2758 Kinship foster care; notice.** Requires local boards of social services, when identifying foster care placement options, to take all reasonable steps to (i) determine whether the child has any relatives who may be eligible to become a kinship foster parent, (ii) provide notice to such relatives of their potential eligibility to become a kinship foster parent, and (iii) explain to such relatives any opportunities they may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship. This bill is identical to SB 1720.

*Patron - Carroll Foy*

**SB1077 Assisted living facility; temporary emergency electrical power source.** Requires the State Board of Social Services to amend its regulations governing emergency preparedness and response plans and temporary emergency electrical power sources of assisted living facilities to require the following: (i) any assisted living facility that is equipped with an on-site emergency generator shall (a) include in its emergency preparedness and response plan a description of the emergency generator's capacity to provide sufficient power for certain functions and (b) test such emergency generator monthly and (ii) any assisted living facility that is not equipped with an on-site emergency generator shall (a) enter into an agreement with a vendor capable of providing the assisted living facility with an emergency generator, (b) enter into at least one agreement with a backup vendor, and (c) have its temporary emergency electrical power source connection tested at the time of installation and every two years thereafter.

*Patron - Howell*

**SB1139 Post-adoption contact and communication agreements.** Provides that a local board of social services or child welfare agency required to file a petition for a permanency planning hearing may inform the birth parents and shall

inform the adoptive parents that they may enter into a post-adoption contact and communication agreement. The bill further provides that such local board of social services or child welfare agency shall inform the child if he is 14 years of age or older that he may consent to such an agreement. This bill is identical to HB 1728.

*Patron - Favola*

**SB1145 Virginia Initiative for Employment Not Welfare (VIEW); transitional child care.** Allows VIEW participants whose Temporary Assistance for Needy Families financial assistance is terminated to receive child care assistance for up to 12 months after termination if the individual is enrolled in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia and is taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license. Under current law, such child care assistance is only available if it enables the individual to work. This bill is identical to HB 1871.

*Patron - Favola*

**SB1224 Protective services; adult abuse, neglect, and exploitation; multidisciplinary teams.** Authorizes local departments of social services to foster, when practicable, the creation, maintenance, and coordination of hospital and community-based multidisciplinary teams focused on the abuse, neglect, and exploitation of adults 60 years of age or older or 18 years of age or older who are physically or mentally incapacitated. The bill provides that such teams may: (i) assist the local department of social services in identifying abused, neglected, and exploited adults; (ii) coordinate medical, social, and legal services for abused, neglected, and exploited adults and their families; (iii) develop innovative programs for detection and prevention of the abuse, neglect, and exploitation of adults; (iv) promote community awareness and action to address adult abuse, neglect, and exploitation; and (v) disseminate information to the general public regarding the problem of adult abuse, neglect, and exploitation, strategies and methods for preventing such abuse, neglect, and exploitation and treatment options for abused, neglected, and exploited adults. The bill also allows the attorney for the Commonwealth in each jurisdiction to establish a multidisciplinary adult abuse, neglect, and exploitation response team to review cases of abuse, neglect, and exploitation of adults. Such multidisciplinary team may be established separately or in conjunction with any already existing multidisciplinary team. This bill is identical to HB 2560.

*Patron - Chafin*

**SB1253 Foster care; security freeze on credit report.** Requires local departments of social services to request the placement of a security freeze on the credit report or record of any child who has been in foster care for at least six months in order to prevent cases of identity theft and misuse of personal identifying information. The bill directs a local department to request the removal of such security freezes (i) upon the child's removal from foster care, (ii) upon the child's request if the child is at least 16 years of age, or (iii) upon a determination that doing so would be in the best interest of the child. The bill requires the local department to conduct annual credit checks on all such children between the ages of 14 and 18. This bill is identical to HB 1730.

*Patron - Reeves*

**SB1257 Child abuse and neglect; mandatory reporters.** Adds to the list of persons who are required to report suspected child abuse or neglect ministers, priests, rab-

bis, imams, and duly accredited practitioners of any religious organization or denomination usually referred to as a church; however, the bill exempts such clergy members from the mandatory reporting requirement when the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept confidential or (ii) would be subject to the exemptions set forth in § 8.01-400 or 19.2-271.3 if offered as evidence in court. This bill is identical to HB 1659.

*Patron - Vogel*

**SB1339 Foster care omnibus.** Makes numerous changes to the laws governing the provision of foster care services in the Commonwealth. Among other things, the bill (i) allows the Commissioner of Social Services to develop and implement a corrective action plan for or assume temporary control over the foster care services of a local board of social services upon determining that the local board (a) has failed to provide foster care services or make placement and removal decisions in accordance with applicable laws or regulations or (b) has taken any action that poses a substantial risk to the health, safety, or well-being of any child under its supervision and control; (ii) requires the Commissioner to create within the State Department of Social Services (the Department) a foster care health and safety director position; (iii) directs the Commissioner to establish and maintain a confidential hotline to receive reports and complaints from foster parents and other persons regarding violations of laws or regulations applicable to foster care and any other matters related to the health, safety, or well-being of children in foster care; (iv) directs the Department to develop and implement a more reliable, structured, and comprehensive case review and quality improvement process to monitor and improve foster care services provided by local boards and departments of social services; and (v) requires the Department to establish and update annually a caseload standard that limits the number of foster care cases that may be assigned to each foster care caseworker.

*Patron - Reeves*

**SB1407 Child day programs; fingerprint background checks.** Allows local law-enforcement agencies to process and submit requests for national fingerprint background checks for employees and volunteers of child day programs operated by a local government. The bill has a delayed effective date of July 1, 2020.

*Patron - Mason*

**SB1409 Assisted living facilities; requirement for licensed administrator.** Increases from one to two the number of times a licensed assisted living facility may operate under the supervision of an acting administrator during any two-year period.

*Patron - Mason*

**SB1410 Board of Social Services; regulations governing assisted living facilities; staffing during overnight hours.** Directs the Board of Social Services to amend regulations governing staffing of assisted living facility units with residents who have serious cognitive impairment due to a primary psychiatric diagnosis of dementia and are unable to recognize danger or protect their own safety and welfare to require that the following number of direct care staff members be awake and on duty during overnight hours: (i) when 22 or fewer residents are present, at least two direct care staff members; (ii) when 23 to 32 residents are present, at least three direct care staff members; (iii) when 33 to 40 residents are present, at least four direct care staff members; and (iv) when more than 40 residents are present, at least four direct care staff members plus at least one additional direct care staff member

for every 10 residents or portion thereof in excess of 40 residents. This bill is identical to HB 2521.

*Patron - Mason*

**SB1416 Appeals from founded complaints of child abuse or neglect; concurrent criminal investigations.** Provides that whenever an appeal of a finding by a local department of social services is made and a criminal investigation is also commenced against the appellant for the same conduct involving the same victim as investigated by the local department, the appeal process shall automatically be stayed until the criminal investigation is closed or, in the case of a criminal investigation that is not completed within 180 days of the appellant's request for an appeal, for 180 days. This bill is identical to HB 1953.

*Patron - Mason*

**SB1435 Child welfare agencies and assisted living facilities; summary suspension.** Allows the Commissioner of Social Services to issue an order of summary suspension of the license of any child welfare agency when conditions or practices exist that pose an immediate and substantial threat to the health, safety, and welfare of the children receiving care. The bill allows the Commissioner, in issuing an order of summary suspension, to suspend the license of the child welfare agency or to suspend only certain authority of the child welfare agency to operate, including the authority to provide certain services or perform certain functions that the Commissioner determines should be restricted or modified in order to protect the health, safety, or welfare of the children receiving care. The bill establishes notice, hearing, appeal, and posting requirements for such summary suspensions. The bill also amends the summary suspension procedures for licensed assisted living facilities to align such procedures with the summary suspension procedures established in the bill for child welfare agencies.

*Patron - McClellan*

**SB1436 Mandatory reporters of child abuse or neglect; prenatal substance exposure.** Requires any licensed hospital, whenever a health care provider in such hospital reports suspected child abuse or neglect resulting from prenatal substance exposure, to require the development of a written discharge plan that includes, among other things, appropriate treatment referrals and notice to the community services board of the jurisdiction in which the mother resides for the appointment of a discharge plan manager. The bill provides that such reports shall not constitute a per se finding of child abuse or neglect.

*Patron - McClellan*

**SB1490 Financial exploitation of aged or incapacitated adults; authority to refuse transactions or disbursements.** Authorizes financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds, regardless of whether such staff has reported suspected financial exploitation, if the financial institution staff (i) believes in good faith that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult or (ii) makes, or has actual knowledge that another person has made, a report to the local department of social services or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult. The measure authorizes financial institution staff to continue to refuse to execute a transaction, delay a transaction, or refuse to disburse funds for not more than 30 business days after the date such transaction or disbursement was initially requested on the basis of such a good faith belief, unless otherwise ordered by a court. The measure authorizes such staff, to the extent permit-

ted by law, to report any information or records relevant to an investigation. A financial institution and its staff are immune from civil or criminal liability, absent gross negligence or willful misconduct, for refusing to execute a transaction, delaying a transaction, or refusing to disburse funds pursuant to this measure. This bill incorporates SB 1175 and is identical to HB 1987.

*Patron - Obenshain*

**SB1661 Child abuse and neglect report or complaint; victims of sex trafficking; taking child victim into custody.** Requires a local department of social services to conduct a sex trafficking assessment upon receiving a complaint of suspected child abuse that is based upon information and allegations that a child is a victim of sex trafficking, provided that the local department has not determined that a separate investigation or family assessment is required. The bill also allows a child-protective services worker of a local department responding to such complaint to take the child victim into custody and allows the local department to maintain custody of the child for up to 72 hours without prior approval of a parent or guardian. As introduced, this bill was a recommendation of the Virginia State Crime Commission. This bill is identical to HB 2597.

*Patron - Peake*

**SB1678 Family First Prevention Services Act; statutory alignment.** Aligns the Code of Virginia with the federal Family First Prevention Services Act of 2018 regarding background check requirements for employees of, volunteers at, and contractors providing services to juveniles at children's residential facilities. The bill contains an emergency clause.

*Patron - Mason*

**SB1679 Family First Prevention Services Act; statutory alignment.** Aligns the Code of Virginia with the Family First Prevention Services Act of 2018.

*Patron - Mason*

**SB1720 Kinship foster care; notice.** Requires local boards of social services, when identifying foster care placement options, to take all reasonable steps to (i) determine whether the child has any relatives who may be eligible to become a kinship foster parent, (ii) provide notice to such relatives of their potential eligibility to become a kinship foster parent, and (iii) explain to such relatives any opportunities they may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship. This bill is identical to HB 2758.

*Patron - Mason*

## Failed

**HB1721 Child abuse and neglect; mandatory reporters.** Adds to the list of persons who are required to report suspected child abuse or neglect ministers, priests, rabbis, imams, and duly accredited practitioners of any religious organization or denomination usually referred to as a church; however, the bill exempts such clergy members from the mandatory reporting requirement when the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept confidential or (ii) would be subject to the exemptions set forth in § 8.01-400 or 19.2-271.3 if offered as evidence in court.

*Patron - Gooditis*

**HB1775 Protective services for adults by local departments of social services; multidisciplinary teams.** Allows local departments of social services to foster, when

practicable, the creation, maintenance, and coordination of hospital and community-based multidisciplinary teams to assist the local departments in identifying abused and exploited adults. The bill also provides that such multidisciplinary teams may develop agreements regarding the exchange of information among the parties for the purposes of the investigation and disposition of complaints of adult abuse and exploitation, delivery of services, and protection for abused or exploited adults. This bill is a recommendation of the Virginia Criminal Justice Conference.

*Patron - Mullin*

**HB1810 Central registry; retention of records.** Extends from one year to three years the period of time for which the Department of Social Services must retain records of reports and investigations of unfounded complaints of child sexual abuse before purging.

*Patron - Gooditis*

**HB1891 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, such individuals may not be denied food stamp benefits based on a felony conviction of possession of a controlled substance, 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.

*Patron - James*

**HB1994 Child care providers; fingerprint background checks.** Allows local law-enforcement agencies to process and submit requests for national fingerprint background checks required for (i) applicants for licensure as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system; (ii) agents of an applicant for licensure as a child day center, family day home, or family day system, registration as a family day home, or approval as a family day home by a family day system at the time of application who is or will be involved in the day-to-day operations of the child day center, family day home, or family day system, or who is or will be alone with, in control of, or supervising one or more of the children; (iii) adults living in such child day center or family day home; and (iv) employees and volunteers of any child day center, family day home, or family day system licensed in accordance with the provisions of this chapter, child day center exempt from licensure, registered family day home, family day home approved by a family day system, or child day center, family day home, or child day program that enters into a contract with the Department or a local department to provide child care services funded by the Child Care and Development Block Grant.

*Patron - Price*

**HB2043 Child care providers; background checks; portability.** Exempts prospective employees and volunteers of certain child welfare agencies from statutory background check requirements where the individual completed a background check within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime and was not the subject of a founded complaint of child abuse or neglect; and (iii) the individual is an employee or volunteer of any child welfare agency that is subject to background check requirements or has been separated from such employment or

volunteer position for not more than 180 days. The bill requires such child welfare agencies, prior to hiring or allowing to volunteer any individual without the completion of a background check, to obtain written certification from the Department of Social Services that such individual satisfies all requirements set forth above and is eligible to serve as an employee or volunteer at the child welfare agency.

*Patron - McGuire*

**HB2162 Kinship foster care; notice; family assessments.** Requires local boards of social services, when identifying foster care placement options, to (i) determine whether the child has any relatives who may be eligible to become a kinship foster parent, (ii) provide notice to such relatives of their potential eligibility to become a kinship foster parent, and (iii) explain to such relatives any opportunities they may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship. The bill also requires local departments, when conducting a family assessment pursuant to a valid report of child abuse or neglect, to file a motion with the court for a preliminary protective order if the family agrees to a safety plan that includes a temporary diversion of the child to the care of a relative for a period longer than 60 days. In the event the child may not return home after 180 days, the bill requires the local department to petition the court for necessary services, which may include the removal of the child or his siblings from the home or the transfer of custody to the relative with whom the child resided pursuant to the temporary diversion.

*Patron - Carroll Foy*

**HB2188 Local departments of social services; bonuses.** Allows local departments of social services to provide for the payment of monetary bonuses to their officers and employees upon the approval of the local board of social services. The bill provides that such bonuses shall be paid wholly from the funds of the locality and any federal funds that are available and appropriate for such use.

*Patron - Kilgore*

**HB2203 Child care providers; fingerprint-based criminal history background checks; repeal sunset and contingency expiration.** Repeals the sunset and contingency expiration of the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home.

*Patron - Filler-Corn*

**HB2231 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, such individuals may not be denied food stamp benefits based on a felony conviction of possession of a controlled substance, 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.

*Patron - Bagby*

**HB2280 Child day programs; exemptions from licensure.** Adds to the list of programs that are not considered child day programs and are not subject to licensure (i) programs of recreational activities offered by a local government, staffed by local government employees, and attended by school-age children and (ii) programs offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division. Under law that takes effect July 1, 2019, such programs are considered child day programs that are exempt from licensure and subject to certain health and safety requirements administered by the Department of Social Services. Under the provisions of the bill, however, such child day programs shall remain subject to safety and supervisory standards established by the local government or school division offering the program.

*Patron - Head*

**HB2372 Licensed or voluntarily registered family day homes; storage of firearms.** Requires that firearms, other weapons, and ammunition in a licensed or voluntarily registered family day home be stored in a locked closet, cabinet, or container during the family day home's hours of operation unless they are being lawfully carried on an individual's person. The bill requires that such firearms and weapons be stored unloaded and apart from ammunition and that the key or combination to such locked storage places be maintained out of reach of all children in the family day home.

*Patron - Hope*

**HB2397 Eligibility for TANF; drug-related felonies.** Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided that 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.

*Patron - Lopez*

**HB2407 Permanent foster care; eligibility.** Allows local departments of social services and licensed child-placing agencies to place in permanent foster care, pursuant to a court order, a child who is 14 years of age or older but less than 16 years of age and who objected to the termination of residual parental rights, provided that no less restrictive alternative is available and the permanent foster care placement is in the best interest of the child. Under current law, a child must be 16 years of age or older in order to be placed in permanent foster care.

*Patron - Adams, L.R.*

**HB2456 DMAS; waiver to implement a direct primary care program; report.** Directs the Department of Medical Assistance Services (the Department) to apply for a § 1115 waiver to allow the Commonwealth to implement a pilot project to provide medical assistance services for eligible recipients and dual eligible recipients by entering into direct primary care contracts with direct primary care providers. The bill requires the Director of the Department to report to the

Governor and the General Assembly on the status of the waiver application and implementation of the direct primary care pilot program by December 1, 2019, and to report on the effectiveness of the program on access to and cost of health care and the impact of the program on utilization of certain health care services by December 1, 2021.

*Patron - Landes*

**HB2517 Child abuse and neglect; mandatory reporters.** Adds to the list of persons who are required to report suspected child abuse and neglect any person 18 years of age or older who (i) volunteers with any public or private organization responsible for the care, custody, control, or education of children; (ii) is associated with or employed by any public or private organization responsible for the education of children; (iii) is a coach, director, employee, or volunteer with a private organization or team that provides extracurricular activities to children; (iv) is a volunteer of a public or private day camp, youth center, youth recreation program, or youth educational program; (v) is an administrator or employee of a youth educational program; or (vi) administers, maintains, or services computing or storage systems or components, including physical hardware, network systems, or cloud-based systems for a fee.

*Patron - Gooditis*

**SB1000 Virginia Community College System; Temporary Assistance for Needy Families Scholarship Pilot Program.** Directs the Virginia Community College System (VCCS) to establish and administer a two-year Temporary Assistance for Needy Families (TANF) Scholarship Pilot Program (the Program), beginning in 2019, for the purpose of providing access to postsecondary educational opportunities to students living in poverty. The Program would provide scholarships to select comprehensive community colleges in the maximum amount of \$4,000 per year to 200 selected students who meet TANF eligibility requirements. The Program would be funded by the unexpended balance in federal TANF block grant funds. The bill directs VCCS to report to the Governor and the General Assembly no later than December 1 of each year of the Program regarding the effectiveness of and other information about the Program. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Stanley*

**SB1129 Eligibility for food stamps and TANF; drug-related felonies.** Provides that a person who is otherwise eligible to receive food stamp benefits or Temporary Assistance for Needy Families shall not be denied such assistance solely because he has been convicted of any drug-related felony, 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. Under current law, such individuals may not be denied food stamp benefits based on a felony conviction of possession of a controlled substance. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Locke*

**SB1175 Elder abuse; employees of financial institutions to report.** Requires any employee, agent, qualified individual, or representative of a bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, investment company, investment advisor, securities firm, accounting firm, or insurance company to report a matter giving reason to suspect the financial exploitation by any person of an adult who is a client or customer of the

financial institution. The report is required to be made to the local department of social services for the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the adult protective services hotline, unless he notifies the person in charge of the financial institution or his designee, who shall report such information in accordance with the financial institution's policies and procedures for reporting such matters. This measure replaces an existing provision that authorizes any financial institution staff who suspects that an adult has been exploited financially to report the suspected exploitation. This bill was incorporated into SB 1490.

*Patron - McPike*

**SB1321 Licensed family day homes; storage of firearms.** Requires that firearms and ammunition in a licensed family day home be stored in a locked closet, cabinet, or container during the family day home's hours of operation. The bill requires that the key or combination to such locked storage places be maintained out of the reach of all children in the family day home.

*Patron - Hanger*

**SB1326 State Board of Social Services; regulations regarding bed limits for licensed assisted living facilities.** Requires the State Board of Social Services to amend its regulations to exempt all buildings in which a licensed assisted living facility was located as of February 1, 2018, from the requirement that no more than two residents reside in a bedroom.

*Patron - McClellan*

**SB1570 Adult protective services; central registry.** Creates a central registry of founded complaints of adult abuse, neglect, and exploitation to be maintained by the State Department of Social Services. The bill establishes (i) investigation requirements for local departments of social services related to complaints of adult abuse, neglect, and exploitation; (ii) record retention and disclosure requirements for the Department and local departments; (iii) notice requirements related to findings by local departments and central registry entries; and (iv) an appeals process to contest the findings of a local department related to founded reports of adult abuse, neglect, or exploitation.

*Patron - Lewis*

**SB1622 Child day programs; potable water; lead testing.** Requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority. The bill requires such plan and the results of each such test to be submitted to the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion and confirm such remediation by retesting the water and submitting the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill allows such programs, in lieu of testing or remediation, to use other water sources that meet the U.S. Food and Drug Administration standards for bottled water.

*Patron - McPike*

## Wills, Trusts, and Fiduciaries

### Passed

**HB1954 Uniform Power of Attorney Act; breach of fiduciary duty; recovery of attorney fees.** Provides that in a judicial proceeding brought under the Uniform Power of Attorney Act commenced on or after July 1, 2019, if the court finds that the agent breached his fiduciary duty, the court may award costs and expenses, including reasonable attorney fees, to be paid by the agent found in violation.

*Patron - Campbell, J.L.*

**SB1144 Guardianship; annual report.** Provides that, upon receiving notice from the local department of social services that a guardian has not filed the required annual report within the prescribed time limit, the court may issue a summons or rule to show cause why the guardian has failed to file such report.

*Patron - Peake*

**SB1186 Payment or delivery of small asset by affidavit; check, draft, or other negotiable instrument; financial institution.** Provides that a financial institution accepting a small asset that is a check, draft, or other negotiable instrument presented for deposit by an affidavit is discharged from all claims for the amount accepted.

*Patron - Chafin*

**SB1307 Uniform Transfers to Minors Act; age 25.** Permits a transferor to transfer property under the Uniform Transfers to Minors Act to an individual under the age of 21 to be paid, conveyed, or transferred to such individual upon his attaining 25 years of age, unless the minor attaining age 21 years of age delivers a written request therefor to the custodian. Under current law, such property must be paid, conveyed, or transferred upon the individual's attaining 18 years of age, or 21 years of age if specifically requested by the custodian.

*Patron - Edwards*

**SB1426 Wills lodged in clerk's office for safekeeping.** Permits the clerk of a circuit court to destroy a will that has been lodged in his office for safekeeping for 100 years or more.

*Patron - Obenshain*

### Failed

**HB2430 Guardianship; communication between incapacitated persons and others; notification of relatives.** Prohibits a guardian of an incapacitated person from prohibiting or restricting such incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has expressed a desire to communicate with, visit, or interact with, or with whom the incapacitated person has an established relationship. The bill creates a means by which a guardian may petition the court to prohibit or restrict such incapacitated person's right to communicate. The bill allows the court to prohibit or restrict such communication for good cause shown but specifies that the court shall limit itself to the least restrictive means possible if it finds such a prohibition or restriction to be necessary. The bill allows the court to require a guardian found to have brought such a petition in bad faith or not for the benefit of the incapacitated person to pay or reimburse all or some of the incapacitated person's reasonable costs and fees. The bill also specifies that such a finding may be grounds for termination of the guardian-

ship appointment. The bill requires the guardian to notify certain relatives of the incapacitated person of certain life events of the incapacitated person, unless the guardian is notified in writing that any such relative does not wish to be notified or if there exists between such relative and the incapacitated person a protective order or court order otherwise prohibiting contact.

*Patron - Levine*

## Workers' Compensation

### Passed

**HB1804 Workers' compensation; presumption of compensability for certain diseases.** Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure will become effective if reenacted by the 2020 Session of the General Assembly. The measure also directs the 2020 Session of the General Assembly, in considering and enacting any legislation relating to workers' compensation and the presumption of compensability for certain cancers, to consider any research, findings, and recommendations from the Joint Legislative Audit and Review Commission's review of the Virginia Workers' Compensation program. The provisions of this bill do not become effective unless reenacted by the 2020 Session of the General Assembly. This bill is identical to SB 1030.

*Patron - Hugo*

**HB2022 Workers' compensation; filing of claim.** Provides that if an employer has received notice of an accident resulting in compensable injury to an employee and the employer has paid compensation or wages to such employee during incapacity for work resulting from such injury or the employer has failed to file the report of said accident with the Virginia Workers' Compensation Commission or otherwise has under a workers' compensation plan or insurance policy furnished or caused to be furnished medical service to such employee, the statute of limitations applicable to the filing of a claim shall be tolled until the last day for which such payment of compensation or wages or furnishment of medical services is provided and that occurs more than six months after the date of accident. The measure provides that no such payment of wages or workers' compensation benefits or furnishment of medical service occurring after the expiration of the statute of limitations applies to this provision. The measure also provides that (i) if the employer has failed to file a first report, the statute of limitations shall be tolled during the duration thereof until the employer filed the first report of accident and (ii) if more than one of the above tolling provisions applies, whichever of those causes the longer period of tolling shall apply.

*Patron - Murphy*

**SB1030 Workers' compensation; presumption of compensability for certain diseases.** Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure will become effective if reenacted by the 2020 Session of the General Assembly. The measure also directs the 2020 Session of the General Assembly, in considering and enacting any legislation relating to workers' compensation and the presumption of compensability for certain cancers, to consider any research, findings, and recommendations from the Joint Legislative Audit and Review

Commission's review of the Virginia Workers' Compensation program. The provisions of this bill do not become effective unless reenacted by the 2020 Session of the General Assembly. The bill incorporates SB 1022, SB 1172, and SB 1528 and is identical to HB 1804.

*Patron - Cosgrove*

**SB1729 Workers' compensation; payment of claims.** Prohibits a health care provider from submitting a claim to the Workers' Compensation Commission seeking additional payment for medical services rendered to a claimant before July 1, 2014, if the health care provider has previously accepted payment for the same medical services pursuant to the federal Longshore and Harbor Workers' Compensation Act. The measure prohibits the Commission from adjudicating any such claim.

*Patron - Norment*

## Failed

**HB1706 Workers' compensation; PTSD.** Declares that post-traumatic stress disorder (PTSD) suffered by a first responder is an occupational disease suffered in the line of duty if, among other conditions, the PTSD is demonstrated by clear and convincing evidence to have resulted from the responder's documented exposure to a qualifying event in the course of his employment. Qualifying events include seeing a deceased minor, directly witnessing the death of a minor, and seeing a decedent whose death involved grievous bodily harm of a nature that shocks the conscience. The measure also requires employers of first responders to provide educational training related to PTSD awareness, prevention, mitigation, and treatment.

*Patron - Kory*

**HB1747 Workers' compensation; retaliatory discharge of employee.** Prohibits an employer or other person from discharging an employee if the discharge is motivated to any extent by knowledge or belief that the employee has filed a claim or taken or intends to take certain other actions under the Virginia Workers' Compensation Act. Currently, retaliatory discharges are prohibited only if the employer or other person discharged an employee solely because the employee has taken or intends to take such an action.

*Patron - Carter*

**HB1748 Workers' compensation; employer to notify employee of intent.** 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.

*Patron - Carter*

**HB1749 Workers' compensation; foreign injuries.** Provides that an injured employee is eligible for benefits under the Virginia Workers' Compensation Act when a compensable accident happens while the employee is employed outside Virginia if (i) the employment contract was not expressly for services exclusively to be performed outside Virginia and (ii) either the employer's place of business is in Virginia or the employee regularly performs work on the employer's behalf in Virginia and resides in Virginia.

*Patron - Carter*

**HB1750 Workers' Compensation; coverage for certain employees.** Ends the exclusion from coverage under the Virginia Workers' Compensation Act for a person who suffers an injury if there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act or the Merchant Marine Act of 1920. The bill provides that this exclusion, enacted in 2012, will not apply to a person who suffers an injury on or after July 1, 2019.

*Patron - Carter*

**HB2075 Workers' compensation; occupational disease presumptions.** Adds correctional officers and full-time sworn members of the enforcement division of the Department of Motor Vehicles to the list of public safety employees who are entitled to a presumption that hypertension and heart disease are occupational diseases compensable under the Virginia Workers' Compensation Act. The measure also adds correctional officers to the list of public safety employees who are entitled to a presumption that certain infectious diseases are compensable occupational diseases.

*Patron - Bell, John J.*

**HB2281 Workers' compensation; occupation disease presumptions; PTSD.** 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.

*Patron - Filler-Corn*

**HB2513 Workers' compensation; occupation disease presumptions; PTSD.** 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.

*Patron - Hugo*

**HB2618 Workers' compensation; occupational disease presumption.** Adds full-time sworn officers of the enforcement division of the Department of Motor Vehicles to the list of public safety employees who are entitled to a presumption that hypertension and heart disease are occupational diseases compensable under the Virginia Workers' Compensation Act.

*Patron - Heretick*

**SB1022 Workers' compensation; presumption of compensability for certain diseases.** Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty. The bill was incorporated into SB 1030.

*Patron - Chase*

**SB1172 Workers' compensation; presumption of compensability for certain diseases.** Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty. The bill was incorporated into SB 1030.

*Patron - McPike*

**SB1465 Workers' compensation; occupation disease presumptions; PTSD.** 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.

*Patron - McPike*

**SB1528 Workers' compensation; presumption of compensability for certain diseases.** Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure removes the compensability requirement that the employee who develops cancer had con-

tact with a toxic substance encountered in the line of duty. The bill was incorporated into SB 1030.

*Patron - Vogel*

## Constitutional Amendments

### Passed

**HJ591 Constitutional amendment (first resolution); reapportionment; technical adjustments permitted.** Gives the General Assembly the authority to make technical adjustments to legislative electoral district boundaries following the enactment of any decennial reapportionment law. Such adjustments may be made solely for the purpose of causing legislative electoral district boundaries to coincide with the boundaries of voting precincts established in the counties and cities and shall be permitted only to the extent necessary to accomplish this purpose. Any change made shall be consistent with any criteria for legislative electoral districts adopted for the preceding decennial redistricting.

*Patron - Cole*

**HJ615 Constitutional amendment (first resolution); apportionment; Virginia Redistricting Commission.** 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 or 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.

*Patron - Cole*

**HJ676 Constitutional amendment (first resolution); personal property tax exemption; motor vehicle of a veteran who is disabled.** Permits the General Assembly to authorize the governing body of any county, city, or town to exempt from taxation one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability. The amendment provides that only automobiles and pickup trucks qualify for the exemption. Additionally, the exemption would only be applicable on the date the motor vehicle is

acquired or the effective date of the amendment, whichever is later, but would not be applicable for any period of time prior to the effective date of the amendment.

*Patron - Filler-Corn*

**PSJ278 Constitutional amendment (first resolution); personal property tax exemption; motor vehicle of a veteran who is disabled.** 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.

*Patron - Reeves*

**PSJ306 Constitutional amendment (first resolution); apportionment; Virginia Redistricting Commission.** 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 or 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.

*Patron - Barker*

## Failed

**FHJ578 Constitutional amendment (first resolution); right to vote.** Provides that there is a right to vote and that no law shall be enacted or enforced that burdens or denies any voter of his right to vote. The amendment also requires the Commonwealth and its political subdivisions to provide all resources necessary to assist qualified voters in the exercise of their right to vote.

*Patron - Keam*

**FHJ582 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial

census. Appointments to the 13-member Commission are to be made as follows: two each by the President pro tempore of the Senate, the Speaker of the House of Delegates, the minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select a thirteenth independent member by a majority vote or, if they cannot agree on a selection, certify the two names receiving the most votes to the Supreme Court of Virginia, which will name the thirteenth member. The standards to govern redistricting plans include the current constitutional standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

*Patron - Heretick*

**FHJ584 Constitutional amendment (first resolution); Governor's term of office.** Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.

*Patron - Keam*

**FHJ585 Constitutional amendment (first resolution); joint election of Governor and Lieutenant Governor.** Provides for the joint election of the Governor and Lieutenant Governor, by which the names of the candidates for Governor and Lieutenant Governor appear jointly on the ballot at the general election and the voters cast a single vote applicable to both offices.

*Patron - Keam*

**FHJ598 Constitutional amendment (first resolution); qualifications of voters and the right to vote.** Establishes that the sole qualifications to vote in the Commonwealth are United States citizenship, being at least 18 years of age, residency in the Commonwealth, and registration to vote in accordance with the requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those qualifications has the right to vote and that such right cannot be abridged by law. The bill removes from current constitutional qualifications to vote not having been convicted of a felony and not having been adjudicated to be mentally incompetent.

*Patron - Simon*

**FHJ608 Constitutional amendment (first resolution); Governor's term of office.** Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.

*Patron - Adams, D.M.*

**FHJ627 Constitutional amendment (first resolution); electoral college.** Provides that the candidates for President and Vice President who receive the highest number of votes cast statewide are allocated two electoral votes and the candidates for President and Vice President who receive the highest number of votes cast in each congressional district are allocated the one electoral vote for that congressional district. Currently, the candidates for President and Vice President who receive the highest number of votes cast statewide are allocated the total number of the Commonwealth's electoral votes.

*Patron - Cole*

**FHJ639** **Constitutional amendment (first resolution); apportionment of legislative districts; Virginia Nonpartisan Redistricting Commission created.** Provides for a temporary Virginia Nonpartisan Redistricting Commission (the Commission) to prepare redistricting plans in 2021 and each tenth year thereafter for the House of Delegates, Senate of Virginia, and congressional districts. The Commission shall consist of seven members appointed by majority vote of the Supreme Court of Virginia from a list of retired judges who have indicated their willingness to serve on the Commission. The resolution sets out the standards by which the Commission is required to draw district lines and the procedure for doing so. The resolution requires the Commission to submit the plan to the General Assembly as a bill and to review and make recommendations on any amendments made by the General Assembly or the Governor.

*Patron - Carr*

**FHJ640** **Constitutional amendment (first resolution); qualifications of voters; restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of felonies. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds an alternative for restoration of rights pursuant to law.

*Patron - Carr*

**FHJ642** **Constitutional amendment (first resolution); Virginia Redistricting Commission; shortest split methodology.** Establishes the seven-member Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census of the United States. The Commission is directed to certify district plans for the General Assembly within 30 days of receipt of the new census data or by June 1 of the year following the census, whichever is earlier, and for the House of Representatives within 60 days of receipt of the census data or by July 1 of the year following the census, whichever is earlier. The amendment requires that districts be drawn using the Shortest Split methodology, which divides the geographic area of the Commonwealth into two halves of approximately equal population based on the official decennial census redistricting numbers, choosing the shortest possible dividing line to split the state. The division of halves shall continue until the required number of districts is achieved. The Commission is required to make adjustments to the resulting maps as may be necessary to achieve compliance with the requirements of the federal Voting Rights Act of 1965, as amended, and is authorized to make adjustments to the resulting maps so that district boundaries coincide with existing political boundaries and take into account geographic features.

*Patron - Bell, John J.*

**FHJ650** **Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made as follows: two each by the President pro tempore of the Senate, the Speaker of the House of Delegates, the minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote or, if they cannot agree on a selection, certify the two names receiving the most votes to the Supreme Court of Virginia, which will name the thirteenth member. The standards to govern redistricting plans include the current constitutional standards on population equality,

compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

*Patron - Plum*

**FHJ657** **Constitutional amendment (first resolution); real property tax exemption; surviving spouse of a disabled veteran; date of veteran's disability and death.** Provides that, as of January 1, 2021, the real property tax exemption for the surviving spouse of a 100 percent disabled veteran shall apply regardless of whether the disabled veteran died prior to January 1, 2011. Under the current constitutional real property tax exemption, if a veteran received a 100 percent disability rating and died prior to January 1, 2011, his surviving spouse is not eligible for the exemption pursuant to state statutory law.

*Patron - Pogge*

**FHJ658** **Constitutional amendment (first resolution); enactment of laws; casino gambling.** Provides that no bill permitting, authorizing, or establishing gaming involving house-banked gambling, player-banked gambling that simulates house-banked gambling, slot machines, or any electronic gambling devices, including video lottery, having been passed by both houses, duly enrolled, and signed by the Governor, shall become law until it has been submitted to the qualified voters at an election and a majority of those voting on the question have voted in favor of the bill.

*Patron - Pogge*

**FHJ672** **Constitutional amendment (first resolution); Governor's term of office.** Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.

*Patron - Levine*

**FHJ678** **Constitutional amendment (first resolution); qualifications of voters; 16-year-olds permitted to vote.** Provides that, notwithstanding the requirement that a voter shall be 18 years of age, any person who is 16 years of age or older and is otherwise qualified to vote shall be permitted to register to vote and to vote in local elections.

*Patron - Rasoul*

**FHJ683** **Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. The amendment directs that revenues dedicated to Transportation Funds on January 1, 2020, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Transportation Funds. The amendment limits the use of Transportation Funds moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Transportation Funds for other purposes only by a vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years.

*Patron - LaRock*

**FHJ715** **Constitutional amendment (first resolution); abortion; state funding prohibited.** Prohibits taxes or other revenues of the Commonwealth from being used to pay

for abortions, but provides that nothing in that provision shall prevent the use of such funds to preserve the life of the mother.

*Patron - Byron*

**EHJ723 Constitutional amendment (first resolution); essential and emergency spending.** Provides that if a general appropriation law expires and no other general appropriation law is in effect, the Governor is authorized to pay from the State Treasury expenses related to essential and emergency services. Such services include only law enforcement; fire-fighting; prisons and jails; courts of law; the Virginia National Guard; pension payments from the governmental employees retirement system to its members; medical and health care services; and debt service. The Governor would be prohibited from spending any such funds on hiring new employees of the Commonwealth or any of its political subdivisions; financing the issuance of any new debt of the Commonwealth; and entering into any new contracts on behalf of the Commonwealth. The Governor's authorization to pay such expenses would expire on the effective date of the next general appropriation act passed by the General Assembly.

*Patron - Cole*

**ESJ250 Constitutional amendment (first resolution); Governor's term of office.** Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.

*Patron - Ebbin*

**ESJ251 Constitutional amendment (first resolution); marriage.** Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_ (June 26, 2015).

*Patron - Ebbin*

**ESJ252 Constitutional amendment (first resolution); qualifications of Governor and Lieutenant Governor; residency requirement.** Increases from five to eight the number of years a person must have been a resident of and registered voter in the Commonwealth in order to be eligible to the office of the Governor and, by reference, the Lieutenant Governor.

*Patron - Chase*

**ESJ253 Constitutional amendment (first resolution); General Assembly; term limits.** Limits members of the Senate to three full terms (12 years) and members of the House of Delegates to six full terms (12 years). The limitations apply to service for both consecutive and nonconsecutive terms. Service for a partial term does not preclude serving the allowed number of full terms. The limits apply to terms of service

beginning on and after the start of the 2022 Regular Session of the General Assembly.

*Patron - Chase*

**ESJ258 Constitutional amendment (first resolution); political reform.** Prohibits the establishment of electoral districts that intentionally or unduly favor or disfavor any political party and requires the General Assembly to regulate the role of money in elections and governance to ensure transparency, to prevent corruption, and to protect against the buying of access to or influence over elected officials.

*Patron - Chase*

**ESJ261 Constitutional amendment (first resolution); qualifications of voters and the right to vote.** Establishes that the sole qualifications to vote in the Commonwealth are United States citizenship, being at least 18 years of age, residency in the Commonwealth, and registration to vote in accordance with the requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those qualifications has the right to vote and that such right cannot be abridged by law. The bill removes from current constitutional qualifications to vote not having been convicted of a felony and not having been adjudicated to be mentally incompetent.

*Patron - Locke*

**ESJ262 Constitutional amendment (first resolution); qualifications of voters and the right to vote.** Establishes that the sole qualifications to vote in the Commonwealth are United States citizenship, being at least 18 years of age, residency in the Commonwealth, and registration to vote in accordance with the requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those qualifications has the right to vote and that such right cannot be abridged by law. The bill removes from current constitutional qualifications to vote not having been convicted of a felony and not having been adjudicated to be mentally incompetent.

*Patron - Lucas*

**ESJ274 Constitutional amendment (first resolution); apportionment; criteria for legislative and congressional districts; Virginia Citizens Redistricting Commission.** Provides for the establishment of the Virginia Citizens Redistricting Commission (the Commission), a 10-member commission responsible for establishing legislative and congressional districts following a decennial census. A selection committee consisting of five retired judges of a circuit court in Virginia, selected by the Speaker of the House of Delegates, the minority leader in the House of Delegates, and the majority and minority leaders in the Senate from a list compiled by the Chief Justice of the Supreme Court of Virginia, is tasked with adopting a process by which registered Virginia voters may apply to serve on the Commission and selecting from the applicants a list of 22 candidates. The amendment requires five of the candidates to be voters who affiliate with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial election, five candidates to be voters who affiliate with the political party receiving the next highest number of votes for governor at the immediately preceding gubernatorial election, and 12 candidates to be voters who do not affiliate with any political party. The Speaker of the House of Delegates, the minority leader in the House of Delegates, and the majority and minority leaders in the Senate then strike names from the list until there is the final list of 10 Commission members, three of whom affiliate with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial election, three of whom affiliate with the

political party receiving the next highest number of votes for governor at the immediately preceding gubernatorial election, and four of whom do not affiliate with any political party. Final approval or adoption of a redistricting plan requires an affirmative vote of seven of the 10 Commission members, including at least one vote from each of the political parties represented. The amendment also contains criteria for the Commission to adhere to when drawing the legislative and congressional districts and imposes certain requirements on the Commission's activities to ensure accessibility by the public.

*Patron - Hanger*

**FSJ279 Constitutional amendment (first resolution); marriage.** Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as “only a union between one man and one woman”; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing “a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage”; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing “another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage.” The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_ (June 26, 2015).

*Patron - Edwards*

**FSJ283 Constitutional amendment (first resolution); qualification of voters; restoration of civil rights.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for any person who has been convicted of a felony not designated by the General Assembly as a barrier crime for the purpose of rights restoration and who has completed service of his sentence and paid in full any restitution, fines, costs, and fees assessed against him as a result of his conviction. The proposed amendment retains the authority of the Governor to restore the civil rights of persons convicted of felonies.

*Patron - Hanger*

**FSJ302 Constitutional amendment (first resolution); eminent domain; public utility.** Provides that an interstate natural gas pipeline is not considered a utility service for the purpose of determining whether a public service company or public service corporation is exercising the power of eminent domain for a public use.

*Patron - Deeds*

**FSJ305 Constitutional amendment (first resolution); apportionment; criteria for legislative and congressional districts; Virginia Citizens Redistricting Commission.** Provides for the establishment of the Virginia Citizens Redistricting Commission (the Commission), a 10-member commission responsible for establishing legislative and congressional districts following a decennial census. A selection committee consisting of five retired judges of the circuit courts in Virginia, selected by the Speaker of the House of Delegates, the minority leader in the House of Delegates, and the majority and minority leaders in the Senate from a list compiled by the Chief Justice of the Supreme Court of Virginia, is tasked with adopting a process by which registered Virginia voters may apply to serve on the Commission and selecting from the applicants a list of 22 candidates. The amendment requires five of the candidates to be voters who affiliate with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial

election, five candidates to be voters who affiliate with the political party receiving the next highest number of votes for governor at the immediately preceding gubernatorial election, and 12 candidates to be voters who do not affiliate with any political party. The Speaker of the House of Delegates, the minority leader in the House of Delegates, and the majority and minority leaders in the Senate then strike names from the list until there is the final list of 10 Commission members, three of whom affiliate with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial election, three of whom affiliate with the political party receiving the next highest number of votes for governor at the immediately preceding gubernatorial election, and four of whom do not affiliate with any political party. Final approval or adoption of a redistricting plan requires an affirmative vote of seven of the 10 Commission members, including at least one vote from each of the political parties represented. The amendment also contains criteria for the Commission to adhere to when drawing the legislative and congressional districts and imposes certain requirements on the Commission's activities to ensure accessibility by the public.

*Patron - Sturtevant*

**FSR82 Constitutional amendment (first resolution); qualifications of Governor and Lieutenant Governor; residency requirement.** Increases from five to eight the number of years a person must have been a resident of and registered voter in the Commonwealth in order to be eligible to the office of the Governor and, by reference, the Lieutenant Governor.

*Patron - Chase*

**FSR83 Constitutional amendment (first resolution); General Assembly; term limits.** Limits members of the Senate to three full terms (12 years) and members of the House of Delegates to six full terms (12 years). The limitations apply to service for both consecutive and nonconsecutive terms. Service for a partial term does not preclude serving the allowed number of full terms. The limits apply to terms of service beginning on and after the start of the 2022 Regular Session of the General Assembly.

*Patron - Chase*

## Other Resolutions

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### Passed

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**PHJ617 Year of Reconciliation and Civility.** Designates 2019 as the Year of Reconciliation and Civility in Virginia.

*Patron - McQuinn*

**PHJ626 Virginia Department of Health; shingles awareness; report.** Requests the Virginia Department of Health to take action to increase awareness of shingles and shingles prevention.

*Patron - Stolle*

**PHJ646 First Responders Day.** Designates September 11, in 2019 and in each succeeding year, as First Responders Day in Virginia.

*Patron - Mullin*

**PHJ655 Acknowledging with profound regret the existence and acceptance of lynching within the Commonwealth.** Expresses the sentiment of the General Assembly in acknowledging with profound regret the existence and accep-

tance of lynching within the Commonwealth and calling for reconciliation among all Virginians. This resolution is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission. This resolution is identical to SJ 297.

*Patron - McQuinn*

**[P]HJ659 Taiwan Day.** Designates October 10, in 2019 and in each succeeding year, as Taiwan Day in Virginia.

*Patron - Morefield*

**[P]HJ703 Trusted Choice Independent Insurance Agents Week.** Designates the first full week of March, in 2019 and in each succeeding year, as Trusted Choice Independent Insurance Agents Week.

*Patron - Fowler*

**[P]HJ705 Cameron Crowder Pediatric Care Awareness Day.** Designates October 22, in 2019 and in each succeeding year, as the Cameron Crowder Pediatric Care Awareness Day in Virginia to honor the vital work of pediatric emergency care providers.

*Patron - Rush*

**[P]HJ720 World Refugee Day.** Designates June 20, in 2019 and in each succeeding year, as World Refugee Day in Virginia.

*Patron - Rodman*

**[P]HJ732 Tuskegee Airmen Commemoration Day.** Designates the fourth Thursday in March, in 2019 and in each succeeding year, as Tuskegee Airmen Commemoration Day in Virginia.

*Patron - Aird*

**[P]SJ272 Shipbuilders Day.** Designates August 13, in 2019 and in each succeeding year, as Shipbuilders Day in Virginia.

*Patron - Locke*

**[P]SJ289 Cardiopulmonary Resuscitation Awareness Day.** Designates February 20, in 2019 and in each succeeding year, as Cardiopulmonary Resuscitation Awareness Day in Virginia.

*Patron - McDougle*

**[P]SJ295 Confirming Governor's appointments; October 1.** Confirms appointments of certain persons made by Governor Ralph Northam and communicated to the General Assembly October 1, 2018.

*Patron - Vogel*

**[P]SJ297 Acknowledging with profound regret the existence and acceptance of lynching within the Commonwealth.** Expresses the sentiment of the General Assembly in acknowledging with profound regret the existence and acceptance of lynching within the Commonwealth and calling for reconciliation among all Virginians. This resolution is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission. This resolution is identical to HJ 655.

*Patron - McClellan*

**[P]SJ314 Montessori Education Day.** Designates January 6, in 2020 and in each succeeding year, as Montessori Education Day in Virginia.

*Patron - Vogel*

**[P]SJ338 Cleft and Craniofacial Awareness and Prevention Month.** Designates July, in 2019 and in each succeeding

ing year, as Cleft and Craniofacial Awareness and Prevention Month.

*Patron - Lewis*

## Failed

**[F]HJ577 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.

*Patron - Rasoul*

**[F]HJ579 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.

*Patron - Carroll Foy*

**[F]HJ583 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.

*Patron - Ward*

**[F]HJ616 Coal dust blown from moving trains; report.** Requests certain railroad companies to make available to the General Assembly, at least annually, information on actions likely to have an impact on coal dust blown from moving trains in the Commonwealth.

*Patron - Lindsey*

**[F]HJ669 Memorializing Congress; Glass-Steagall Act; infrastructure bank.** Urges the Congress of the United States to reinstate the Glass-Steagall Act and develop an infrastructure bank.

*Patron - Rasoul*

**[F]HJ684 Board of Education; code of ethics and professional responsibility for educators in public elementary and secondary schools in the Commonwealth; report.** Requests the Board of Education to establish a code of ethics and professional responsibility for educators in public elementary and secondary schools in the Commonwealth that contains certain prohibitions relating to instructional content.

*Patron - LaRock*

**[F]HJ685 United States Constitution; application for a convention of the states; fiscal and power restraints on the federal government.** Makes an application to the United States Congress to call an amendment convention pursuant to Article V of the United States Constitution for the limited purpose of proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

*Patron - Peace*

**FHJ692 Equal Rights Amendment; new language.** Memorializes the Congress of the United States to submit a new Equal Rights Amendment, with language that addresses the concerns over religious and privacy rights, to the states for ratification.

*Patron - Cole*

**FHJ704 Transportation agreements.** Recognizes that public-private transportation partnership agreements that contain provisions prohibiting or frustrating the construction of non-tolled transportation facilities as alternatives to tolled facilities through economic disincentives are against public policy.

*Patron - Heretick*

**FHR226 Maternal and infant mortality crisis.** Recognizes the maternal and infant mortality crisis in the United States.

*Patron - Price*

**FSJ268 Interstate conventions; selection of commissioners and committee procedures.** Adopts procedures for selecting and replacing commissioners to represent the Virginia General Assembly at interstate conventions. The procedures clarify the scope of authority of commissioners and committees at such conventions, enforce limits on such authority, and prescribe an oath to be taken by interstate convention commissioners.

*Patron - Peake*

**FSJ270 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.

*Patron - Saslaw*

**FSJ275 Reaffirming equal protection under the law.** Reaffirms that all persons residing in Virginia are afforded equal protection under the law. The resolution cites numerous guarantees of equality that currently exist in both federal and state law.

*Patron - Chase*

**FSJ284 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.

*Patron - Sturtevant*

## Budgets, Bonds, and Claims

### Passed

**P HB1700 Budget Bill.** Amends Chapter 2, 2018 Special Session I Acts of Assembly. This bill received Governor's recommendations.

*Patron - Jones, S.C.*

**P HB2286 Chesapeake Hospital Authority.** Provides that the investment of funds held by the Chesapeake Hospital Authority, or contributed to its affiliated foundations, shall be exempt from the application of the Investment of Public Funds Act. This bill is identical to SB 1088.

*Patron - Leftwich*

**P SB1088 Chesapeake Hospital Authority.** Provides that the investment of funds held by the Chesapeake Hospital Authority, or contributed to its affiliated foundations, shall be exempt from the application of the Investment of Public Funds Act. This bill is identical to HB 2286.

*Patron - Spruill*

**P SB1477 Claims; Gary Linwood Bush.** Provides relief in the amount of \$520,163 to Gary Linwood Bush, who was wrongfully convicted of two bank robberies in 2007. In May 2018, after Mr. Bush served 11 years in prison, the Court of Appeals issued writs of actual innocence to Mr. Bush for both robberies after another person confessed and pled guilty to the robberies. The bill also allows Mr. Bush to receive career and technical training within the Virginia Community College System free of tuition charges, up to a maximum of \$10,000.

*Patron - Deeds*

**P SB1509 Disposition of property in Carroll County; Southwestern Virginia Training Center.** Provides that the Commonwealth shall work with representatives of Carroll and Grayson Counties and the City of Galax, as well as other stakeholders, to develop a plan for the conveyance, sale, or other disposition of certain real property for the purpose of housing children requiring foster care or as a juvenile residential treatment facility. Any disposition of the property is subject to approval by the General Assembly; however, the restriction on disposition of the property expires on July 1, 2021.

*Patron - Carrico*

**P SB1515 Property conveyance; former Southwestern Virginia Mental Health Institute.** Authorizes the Commonwealth to transfer a portion of property previously used as the Southwestern Virginia Mental Health Institute to the Mount Rogers Community Services Board and a portion of such property currently being leased to Smyth County to the County.

*Patron - Carrico*

### Failed

**F HB1951 Disposition of property in Carroll County; Southwestern Virginia Training Center.** Provides that the Department of Behavioral Health and Developmental Services (DBHDS) shall not convey, sell, or otherwise dispose of certain real property located in Carroll County on which the former Southwestern Virginia Training Center was situated. The bill directs DBHDS to work with representatives of Carroll and Grayson Counties and the City of Galax, as well as other stakeholders, to develop a plan for the conveyance, sale, or other disposition of the property for the purpose of housing children requiring foster care or as a juvenile residential treatment facility. The bill provides that the prohibition on such disposition expires on July 1, 2021; however, any subsequent disposition is subject to approval by the General Assembly.

*Patron - Campbell, J.L.*

**F HB2200 Voter referendum; independent redistricting commission.** Provides for a statewide referendum on the question of whether there should be an independent redistricting commission established in Virginia for the purpose of drawing the district maps for the House of Delegates, Senate of Virginia, and congressional districts. The results would be

advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the manner in which electoral districts are created. The referendum would be held at the November 2019 general election.

*Patron - Mullin*

**SB1100 Budget Bill.** Amends Chapter 2, 2018 Special Session I Acts of Assembly.

*Patron - Norment*

**SB1229 Board of Housing and Community Development; amusement devices; trampoline courts.** Directs the Board of Housing and Community Development to receive and consider regulations pertaining to the construction, maintenance, operation, and inspection of amusement devices known as trampoline courts pursuant to its current authority to regulate amusement devices.

*Patron - Ebbin*

**SB1389 Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2019; report.** Creates the Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2019, establishing the Commonwealth of Virginia as a nonfederal sponsor of hurricane and flooding risk reduction projects. The bill establishes the Virginia Hurricane and Flood Risk Reduction Authority (the Authority) and an 11-member board of directors (the Board) of the Authority. The bill provides that the Board shall exercise for the Governor executive authority over all phases of hurricane and flood risk reduction programs, including investigations, construction, operations, and maintenance, and that the Authority, which shall be hosted by a department of the Commonwealth as designated by the Governor, shall fulfill the directives of the Board. The bill sets out the membership and powers and duties of the Board and the departmental support to be provided to the Authority, including budgeting, work facilities, administrative management, logistics, human resources, legal, contracts, and information resources. The Joint Legislative Audit and Review Commission (JLARC) shall consult with Louisiana's Legislative Fiscal Office to assess the increased state and local tax flows in Louisiana that resulted from post-Katrina federal spending, including spending for the civil works storm and flooding risk reduction project. The bill requires JLARC to report to the General Assembly no later than November 1, 2019, on the results of its initial assessment.

*Patron - Wagner*

## Charters

### Passed

**HB1766 Charter; Newport News; inaugural meeting of newly elected council.** Authorizes the Newport News City Council to set the time of the inaugural meeting of the newly elected council that is held on the first regular meeting date in July after council elections. Current law requires that the meeting be held at 10:00 a.m. This bill incorporates HB 1995 and is identical to SB 1045.

*Patron - Yancey*

**HB1893 Charter; City of Waynesboro; city council procedures; real estate tax assessments.** Amends the City of Waynesboro charter to authorize any person aggrieved by a real estate assessment made by the assessor of real estate to have the right to a hearing before the city assessor and to apply for an appeal before the board of equalization. The bill allows the city council to choose a date and time to meet for its July

organizational meeting following an election. The bill also authorizes an ordinance wherein the city is the recipient of money, funds, or a grant to be passed upon one consideration of the city council, instead of two as is required for other ordinances or resolutions having the effect of ordinances. This bill is identical to SB 1396.

*Patron - Bell, Richard P.*

**HB1895 Charter; Town of Irvington.** Updates the town's boundary description. Other changes replace outdated provisions regarding the timing of town council elections and the mayor's duties. This bill is identical to SB 1350.

*Patron - Ransone*

**HB2002 Charter; City of Hopewell; appointment of president of city council.** Changes from "election" to "appointment" the term used to describe the vote of the city council for a new president and vice-president of the council. This bill is identical to SB 1191.

*Patron - Aird*

**HB2052 Charter; City of Richmond; runoff elections.** Provides that the procedures and deadlines for voter registration, applying for an absentee ballot, and casting an absentee ballot for any runoff election in the City of Richmond shall be as provided under state law for general elections. This bill is identical to SB 1193.

*Patron - McQuinn*

**HB2497 Charter; City of Bristol.** Amends the charter for the City of Bristol. Changes to the charter (i) update provisions related to special meeting notices and notices related to removal by city council of certain appointees, (ii) clarify the description of the city manager and state that employees of the police department and fire department are among those employees that may be removed by the city manager, (iii) update the responsibilities of the city manager and chief of police regarding certain police department complaints, (iv) set forth financial policies to be adopted by the finance department, (v) specify certain personnel department oversight duties, (vi) rename the planning department as the community development department, (vii) create the position of environs control official, (viii) set out the duties of the transportation planner, (ix) alter the terms of the city planning commission, and (x) reference the existing BVU Authority Board. The bill contains technical amendments.

*Patron - O'Quinn*

**HB2572 Charter; Town of Berryville.** Reorganizes the charter of the Town of Berryville. Specific amendments include (i) an update to the boundary description, (ii) replacing the position of recorder with vice mayor, (iii) specifying certain town council appointments, and (iv) removing or updating obsolete provisions.

*Patron - LaRock*

**HB2660 Charter; Town of Glasgow.** Replaces references to the town sergeant with chief of police and makes several technical amendments.

*Patron - Campbell, R.R.*

**HB2670 Charter; Town of Dumfries.** Amends the charter for the Town of Dumfries by (i) providing that town council elections shall be held in November rather than May, (ii) altering the date of budget submittal and providing for a midyear budget review, and (iii) making technical changes, including a clarification in the boundary description. This bill is identical to SB 1691.

*Patron - Torian*

**P HB2740 Charter; Town of Kenbridge.** Amends the town charter by staggering the election of town council members and extending council members' terms from two to four years. Furthermore, the bill references general grants of power as set out in the Code of Virginia and makes numerous updating and clarifying changes.

*Patron - Wright*

**P HB2807 Charter; Town of Keysville.** Shifts the town's municipal elections from May to November.

*Patron - Edmunds*

**P HB2808 Charter; Town of Capron.** Establishes a new charter for the Town of Capron in Southampton County and repeals the current charter. The proposed charter contains powers typically granted to towns.

*Patron - Tyler*

**P HB2809 Charter; Town of Grottoes.** Extends the term of the mayor from two years to four years.

*Patron - Landes*

**P SB1045 Charter; Newport News; inaugural meeting of newly elected council.** Authorizes the Newport News City Council to set the time of the inaugural meeting of the newly elected council that is held on the first regular meeting date in July after council elections. Current law requires that the meeting be held at 10:00 a.m. This bill is identical to HB 1766.

*Patron - Locke*

**P SB1191 Charter; City of Hopewell; appointment of president of city council.** Changes from "election" to "appointment" the term used to describe the vote of the city council for a new president and vice-president of the council. This bill is identical to HB 2002.

*Patron - Dance*

**P SB1193 Charter; City of Richmond; runoff elections.** Provides that the procedures and deadlines for voter registration, applying for an absentee ballot, and casting an absentee ballot for any runoff election in the City of Richmond shall be as provided under state law for general elections. This bill is identical to HB 2052.

*Patron - Dance*

**P SB1350 Charter; Town of Irvington.** Updates the town's boundary description. Other changes replace outdated provisions regarding the timing of town council elections and the mayor's duties. This bill is identical to HB 1895.

*Patron - McDougle*

**P SB1396 Charter; City of Waynesboro; city council procedures; real estate tax assessments.** Amends the City of Waynesboro charter to authorize any person aggrieved by a real estate assessment made by the assessor of real estate to have the right to a hearing before the city assessor and to apply for an appeal before the board of equalization. The bill allows the city council to choose a date and time to meet for its July organizational meeting following an election. The bill also authorizes an ordinance wherein the city is the recipient of money, funds, or a grant to be passed upon one consideration of the city council, instead of two as is required for other ordinances or resolutions having the effect of ordinances. This bill is identical to HB 1893.

*Patron - Hanger*

**P SB1408 Charter; James City County; inoperable vehicles.** Authorizes James City County to prohibit any person

from keeping, unless shielded or screened from view, on any property two acres in area or less that is zoned or used for residential purposes or zoned for commercial or agricultural purposes any inoperable motor vehicle, trailer, or semitrailer.

*Patron - Mason*

**P SB1424 Charter; Town of Luray.** Establishes a new charter for the Town of Luray and repeals the current charter. The proposed charter contains powers typically granted to towns.

*Patron - Obenshain*

**P SB1558 Charter; Town of Onley.** Sets out the appointment and duties of the town manager of the Town of Onley. The bill contains technical amendments.

*Patron - Lewis*

**P SB1562 Charter; Town of Eastville.** Establishes a new charter for the Town of Eastville and repeals the current charter. The proposed charter contains powers typically granted to towns.

*Patron - Lewis*

**P SB1691 Charter; Town of Dumfries.** Amends the charter for the Town of Dumfries by (i) providing that town council elections shall be held in November rather than May, (ii) altering the date of budget submittal and providing for a midyear budget review, and (iii) making technical changes, including a clarification in the boundary description. This bill is identical to HB 2670.

*Patron - Surovell*

## Failed

**F HB1995 Charter; Newport News; inaugural meeting of newly elected council.** Authorizes the Newport News City Council to set the time of the inaugural meeting of the newly elected council that is held on the first regular meeting date in July after council elections. Current law requires that the meeting be held at 10:00 a.m. This bill was incorporated into HB 1766.

*Patron - Price*

**F HB2076 Charter; City of Petersburg.** Provides that the city manager for the City of Petersburg shall serve as the collector of city taxes and transfers certain duties from the city treasurer to the city manager.

*Patron - Aird*

**F SB1363 Charter; City of Petersburg.** Provides that the city manager for the City of Petersburg may serve as the collector of city taxes.

*Patron - Dance*

## Study Resolutions

### Passed

**P HJ581 Study; Interstate 95 Corridor Improvement Plan; report.** Requests the Commonwealth Transportation Board to study the portion of the Interstate 95 corridor between Exit 118 and the Springfield Interchange, financing options for improvements to the corridor, and the effect that enhanced transit service would have on mitigating traffic along the corridor.

*Patron - Cole*

**[P]HJ662 Study; JCHC; dispensing of drugs and devices pursuant to prescriptions, pharmacy collaborative practice agreements, standing orders and statewide protocols; report.** Directs the Joint Commission on Health Care to study the dispensing of drugs and devices pursuant to prescriptions, pharmacy collaborative practice agreements, standing orders, and statewide protocols in the Commonwealth, including a review of the roles and responsibilities of pharmacists and other health care providers prescribing, dispensing, and administering drugs and devices in accordance with laws and regulations.

*Patron - Stolle*

**[P]HJ674 Study; Department of Veterans Services and Department of Taxation; feasibility of exempting military retirement income from taxation; report.** Requests the Department of Veterans Services and the Department of Taxation (the Agencies) to convene a joint working group to study the feasibility of exempting military retirement income from taxation. Under current law, military retirement income is tax-exempt only for recipients of the Congressional Medal of Honor. The Agencies are directed to consider potential revenue losses, the effects of phasing in the exemption over different time frames, the positive effects for Virginia's current population of veterans, and the impact on the Commonwealth's competitiveness as a desirable state of residence for veterans compared with other states.

*Patron - Torian*

**[P]HJ687 Small Business Commission; appeals of tax assessment decisions; report.** Directs the Small Business Commission to study models and streamlined procedures for appealing tax assessment decisions. The Small Business Commission shall report its findings to the members of the General Assembly by the first day of the 2020 Regular Session.

*Patron - Keam*

**[P]SJ254 Study; Department of Transportation; purchase of the Dulles Greenway; report.** Requests the Department of Transportation to study the feasibility of purchasing all or part of the Dulles Greenway.

*Patron - Black*

**[P]SJ276 Interstate 95 Corridor Improvement Plan; report.** Requests the Commonwealth Transportation Board to study the portion of the Interstate 95 corridor between Exit 118 and the Springfield Interchange and financing options for improvements to the corridor.

*Patron - Reeves*

**[P]SJ301 Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century continued; report.** Continues the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century for two additional years, through December 1, 2021.

*Patron - Deeds*

**[P]SJ309 Study; Virginia Marine Resources Commission; creation of protection zones for submerged cables; report.** Requests the Virginia Marine Resources Commission to study the feasibility of creating protection zones for submerged fiber optic cables located along Virginia's shores.

*Patron - DeSteph*

## Failed

**Interchange.** Establishes a joint subcommittee to study the feasibility of widening Interstate 95 between Exit 118 and the Springfield Interchange.

*Patron - Cole*

**[F]HJ588 Study; Secretary of Commerce and Trade; effects of daylight saving time on the Commonwealth; report.** Requests the Secretary of Commerce and Trade to study the effects of the Commonwealth's continued observance of daylight saving time under the Uniform Time Act of 1966 (15 U.S.C. § 260 et seq.) and the potential consequences of a decision to use either standard time or daylight saving time year-round in the Commonwealth.

*Patron - Bell, Richard P.*

**[F]HJ592 Study; Department of Education; revisions to the Board of Education's "Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers"; report.** Requests the Department of Education to study the need for revisions to the Board of Education's "Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers" in light of recent changes to relevant federal law and input solicited from various stakeholders.

*Patron - Rodman*

**[F]HJ597 Study; economic impacts of litter on fishing, farming, and water quality in urban streams; report.** Requests the Department of Environmental Quality to study the economic impact of litter on fishing, farming, water quality, and other components of Virginia's economy and to propose strategies, campaigns, and necessary state actions to protect the economy of the Commonwealth from harm caused by litter and promote Virginia's economic welfare.

*Patron - Krizek*

**[F]HJ609 Study, JLARC; health care spending; report.** Directs the Joint Legislative Audit and Review Commission to study health care spending in the Commonwealth.

*Patron - Carter*

**[F]HJ610 Study; Secretary of Natural Resources; the effects of wind tide flooding in the Southern Watershed; report.** Requests the Secretary of Natural Resources to study the effects of wind tide flooding in the Southern Watershed. In conducting the study, the Secretary shall (i) coordinate with and provide resources to the City of Virginia Beach to assess the impacts of wind tide flooding in the Southern Watershed, (ii) research the viability of a range of solutions aimed at addressing the root causes and effects of wind tide flooding in the Southern Watershed, (iii) identify the time frames and economic costs of various solutions, and (iv) make recommendations for state action based on all relevant factors.

*Patron - Knight*

**[F]HJ614 Study; Virginia State Crime Commission; forensic nursing; report.** Directs the Virginia State Crime Commission to study current access to forensic nursing programs across the Commonwealth, determine the costs associated with establishing additional programs in regions that lack coverage, identify funding sources for forensic nursing programs to assist with the costs of recovering evidence and providing expert testimony, identify opportunities to increase availability of forensic nursing certifications, evaluate existing forensic nursing programs in other states, and identify best practices that could be utilized in the Commonwealth.

*Patron - Delaney*

**[F]HJ580 Study; joint subcommittee to study widening Interstate 95 between Exit 118 and the Springfield**

**[F]HJ620 Study; reduction of the minimum recycling rate for municipal solid waste generated within a solid**

**waste planning unit; report.** Requests the Secretary of Commerce and Trade and the Secretary of Natural Resources (the Secretaries) to jointly study a reduction of the minimum recycling rate for municipal solid waste generated within a solid waste planning unit. In conducting its study, the Secretaries are to (i) investigate the impact that China's reduced recyclable material contamination acceptance rate has had and is currently having on solid waste planning units in the Commonwealth; (ii) analyze the effect on the Commonwealth of reducing the minimum required recycling rate for solid waste planning units, including impacts to landfills, localities, ecosystems, and the economy; and (iii) propose one or more solutions to assist solid waste planning units and the Commonwealth as a whole, including recommending a specific reduction of the minimum recycling rate for municipal solid waste generated within a solid waste planning unit.

*Patron - James*

**FHJ621 Study; JLARC; workforce development in the Commonwealth; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to update its 2014 review of workforce training in the Commonwealth with a new study of workforce development. In conducting its study, JLARC shall examine which entities in the Commonwealth are conducting workforce development activities, how much money is being spent on such activities, the sources of such money, which metrics can be used to determine the effects of spending on workforce development activities, and, based on those metrics, which entities in the Commonwealth are producing the best results.

*Patron - O'Quinn*

**FHJ629 Study; JLARC to study reduction or elimination of tolls on Midtown and Downtown Tunnels in Hampton Roads; report.** Directs the Joint Legislative Audit and Review Commission to study the feasibility of reducing or eliminating tolls on the Midtown and Downtown Tunnels in Hampton Roads.

*Patron - Heretick*

**FHJ636 Study; Department of Social Services; creation of database and resource to obtain background information on personal caregivers; report.** Requests the Department of Social Services to study the feasibility and cost of creating a database and resource through which individuals seeking to employ a personal caregiver could obtain comprehensive background information regarding the prospective caregiver, including the results of a national criminal history background check and a search of the central registry maintained pursuant to § 63.2-1515, the Sex Offender and Crimes Against Minors Registry maintained pursuant to § 9.1-902, and any employee disqualification lists maintained by state agencies.

*Patron - McGuire*

**FHJ643 Study; Department of Education; effect of local use value assessment of certain real estate on the composite index of local ability to pay; report.** Requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable real estate devoted to (a) agricultural use, (b) horticultural use, (c) forest use, and (d) open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the composite index of local ability to pay for each such locality after taking into consideration such use values.

*Patron - Webert*

**FHJ644 Study; JLARC; reinstatement of discretionary parole; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the reinstatement of discretionary parole, which was abolished in 1995.

*Patron - Watts*

**FHJ645 Study; JLARC; impact of Medicaid expansion in the Commonwealth; report.** Directs the Joint Legislative Audit and Review Commission to study the impact of Medicaid expansion in the Commonwealth. The Joint Legislative Audit and Review Commission shall complete its two-year study by November 30, 2020, and shall submit an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year.

*Patron - Freitas*

**FHJ647 Study; Department of Rail and Public Transportation; improved transportation services; report.** Requests that the Department of Rail and Public Transportation (the Department) to identify and recommend potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties and to study the feasibility of extending the Blue Line and other multimodal options such as bus rapid transit along Interstate 95 and U.S. Route 1. The Department shall report its findings and recommendations for the two-year study no later than the first day of the 2020 and 2021 Regular Sessions of the General Assembly.

*Patron - Carroll Foy*

**FHJ653 Study; Department of Health; naloxone storage and access; report.** Requests the Department of Health to study the feasibility of expanding naloxone access through the placement of naloxone in automated external defibrillator (AED) cabinets across the Commonwealth.

*Patron - Gooditis*

**FHJ654 Study; Department of Education to study teacher licensing process; report.** Requests the Department of Education to study the teacher licensure process and the assessment requirements therein for any inherent biases that may prevent minority teacher candidates from entering the profession.

*Patron - Bagby*

**FHJ656 Study; Virginia Resources Authority; transitioning Virginia's workforce from fossil fuel-based jobs to green energy; report.** Requests the Virginia Resources Authority to study the process of transitioning Virginia's workforce from fossil fuel-based jobs to green energy jobs.

*Patron - Delaney*

**FHJ660 Study; JLARC; compliance reviews; higher education management agreements; report.** Directs the Joint Legislative Audit and Review Commission to perform compliance reviews of the management agreements between the Commonwealth and The College of William and Mary in Virginia, the University of Virginia, Virginia Commonwealth University, and Virginia Polytechnic Institute and State University that were entered into pursuant to the Restructured Higher Education Financial and Administrative Operations Act of 2005 (the Restructuring Act) and to make recommendations for any amendment to any such management agreement that it deems necessary to ensure compliance with the provisions of the Restructuring Act.

*Patron - Poindexter*

**FHJ661 Study; Virginia State Crime Commission; costs of pretrial services; report.** Directs the Virginia State Crime Commission to study the effects of changes in policies regarding the cash bail bond system on referrals to pretrial services agencies and costs associated with such referrals.

*Patron - Poindexter*

**FHJ670 Study; Secretary of Administration; State Board of Elections; electronic return of voted military-overseas ballots; pilot program; report.** 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 which (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 2020, and later on a statewide basis.

*Patron - Landes*

**FHJ671 Study; Department of Rail and Public Transportation; cost of commuter and light rail projects; report.** Requests the Department of Rail and Public Transportation to study and develop best practices for lowering the cost of commuter and light rail projects.

*Patron - Roem*

**FHJ673 Study; JLARC; Virginia Public Guardian and Conservator Program; report.** Directs the Joint Legislative Audit and Review Commission to study the operations and performance of the Virginia Public Guardian and Conservator Program.

*Patron - Roem*

**FHJ675 Study; Department of Education; experiential learning and workforce development opportunities in high-demand fields; report.** Requests the Department of Education to study experiential learning and workforce development opportunities for high school students in high-demand fields.

*Patron - Filler-Corn*

**FHJ677 Study; joint subcommittee to study the emergence and integration of blockchain technology in the economy of the Commonwealth; report.** Establishes a 21-member joint subcommittee 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 joint subcommittee 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, 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 joint subcommittee shall submit its report to the Governor and the 2020 and 2021 Regular Sessions of the General Assembly.

*Patron - Rush*

**FHJ679 Study; Virginia Retirement System; part-time public school teachers; report.** Requests the Virginia Retirement System to study the impact of permitting part-time public school teachers to participate in a retirement plan administered by the Virginia Retirement System.

*Patron - Ayala*

**FHJ680 Study; Department of Medical Assistance Services; provider service network capitation model for Medicaid; report.** Requests the Department of Medical Assistance Services to study the costs and benefits of implementing a full provider service network capitation model for Medicaid.

*Patron - Head*

**FHJ681 Study; JLARC; impact of changes in health care financing and delivery on charity care; report.** Directs the Joint Legislative Audit and Review Commission to study how recent changes in health care financing and delivery in the Commonwealth, including Medicaid expansion and enactment of assessments on providers of health care services, will affect the demand for charity care and ability of health care providers to meet charity care requirements imposed on certificates of public need, as well as the organization and operation of medical care facilities subject to the Commonwealth's certificate of public need laws.

*Patron - Byron*

**FHJ682 Study; Department of Health Professions; utilization of foreign-trained physicians; report.** Requests the Department of Health Professions to study options for utilizing physicians trained outside the United States to address shortages of physicians in rural and underserved areas of the Commonwealth.

*Patron - Tran*

**FHJ688 Study; Department of Education; Advancement Via Individual Determination Programs; report.** Requests that the Department of Education study the feasibility of substituting elective credit received for participation in Advancement Via Individual Determination (AVID) Programs for other course credit required for high school graduation.

*Patron - Kory*

**FHJ693 Study; Department of Education; impediments to gathering information about certain students with disabilities; report.** Requests the Department of Education to study the existing impediments to gathering information about disabilities for which a student would not qualify for an Individualized Education Program or Section 504 Plan.

*Patron - Guzman*

**FHJ694 Study; Virginia State Police; air emergency medical services; report.** Requests the Virginia State Police to study the availability and affordability of air emergency medical services throughout the Commonwealth.

*Patron - LaRock*

**FHJ729 Study; supported decision-making; report.** Requests the Secretary of Health and Human Resources to examine the use of supported decision-making for individuals with intellectual and developmental disabilities in the Commonwealth, compare the Commonwealth's policies and prac-

tices related to supported decision-making and informed choice to the policies and practices used in other states, examine situations in which the use of supported decision-making is an appropriate alternative to the appointment of a guardian, recommend strategies to improve the use of supported decision-making in the Commonwealth, and determine whether legislation related to supported decision-making is appropriate and, if so, propose specific legislative recommendations.

*Patron - Kory*

**FSJ217** Study; staffing levels, employment conditions, and compensation at the Virginia Department of Corrections; report. Directs the House Committees on Health, Welfare and Institutions and Militia and Police to establish a joint committee to study staffing levels, employment conditions, and compensation at the Virginia Department of Corrections. The joint committee shall conclude its work by November 30, 2019, and shall report its findings and recommendations no later than the first day of the 2020 Regular Session of the General Assembly.

*Patron - Tyler*

**FSJ259** Study; Virginia Department of Transportation; feasibility of eastern bypass for U.S. Route 29 around Charlottesville; report. Requests the Virginia Department of Transportation to study the feasibility of an eastern bypass for U.S. Route 29 around Charlottesville, as well as potential funding sources including the potential sale of right-of-way properties that were acquired for the defunct western bypass project.

*Patron - Peake*

**FSJ260** Study; VDOT; Route 60 Corridor; report. Requests the Department of Transportation to review and update its 1999 study entitled "Route 60 Corridor Study: Amherst, Nelson, Appomattox, Buckingham, Cumberland, and Powhatan Counties."

*Patron - Peake*

**FSJ265** Study; reduction of the minimum recycling rate for municipal solid waste generated within a solid waste planning unit; report. Requests the Secretary of Commerce and Trade and the Secretary of Natural Resources (the Secretaries) to jointly study a reduction of the minimum recycling rate for municipal solid waste generated within a solid waste planning unit. In conducting its study, the Secretaries are to (i) investigate the impact that China's reduced recyclable material contamination acceptance rate has had and is currently having on solid waste planning units in the Commonwealth; (ii) analyze the effect on the Commonwealth of reducing the minimum required recycling rate for solid waste planning units, including impacts to landfills, localities, ecosystems, and the economy; and (iii) propose one or more solutions to assist solid waste planning units and the Commonwealth as a whole, including recommending a specific reduction of the minimum recycling rate for municipal solid waste generated within a solid waste planning unit.

*Patron - Lucas*

**FSJ285** Study; JLARC; the practices, procedures, and accountability of industrial development authorities; report. Directs the Joint Legislative Audit and Review Commission (JLARC) to study the practices, procedures, and accountability of industrial development authorities. In conducting its study, JLARC shall (i) collect information regarding the number sizes, budgets, and locations of industrial development authorities throughout the Commonwealth; (ii) collect information regarding any moneys received industrial development authorities, the source and final disposition of such moneys, and the level of control that local governing bodies have over the use of such moneys; (iii) make recommendations to

enhance the level of supervision and accountability that local governing bodies have over industrial development authorities activities; (iv) collect information about opportunities for citizen engagement in pursuing and approving projects and make recommendations to enhance such engagement; and (v) make other legislative recommendations as appropriate.

*Patron - Chase*

**FSJ291** Study; Secretary of Administration; State Board of Elections; electronic return of voted military-overseas ballots; pilot program; report. 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 which (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 2020, and later on a statewide basis.

*Patron - DeSteph*

**FSJ307** 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.

*Patron - Lewis*

**FSJ312** Study; JLARC; health benefit plan premium rate review process administered by the SCC's Bureau of Insurance; report. Directs the Joint Legislative Audit and Review Commission (JLARC) to study the health benefit plan premium rate review process administered by the State Corporation Commission's Bureau of Insurance. In conducting its study, JLARC is directed to (i) identify the extent to which premiums for private health benefit plans subject to Title 38.2 (Insurance) in the individual, small group, and large group markets have increased over the past decade; (ii) compare the increases of premiums for such health benefit plans in the Commonwealth to such increases in other states; (iii) identify legislative and regulatory actions by other states that have been effective in reducing, or tempering the rate of increase in, the premiums for such health benefit plans; (iv) compare the health benefit plan rate review processes administered by other states; (v) review the structure and administration of the Bureau of Insurance as it relates to the health benefit plan premium rate review process; and (vi) examine the role of public input in the health benefit plan premium rate review process.

*Patron - Deeds*



## Appendix A: Session Statistics

# 2019 SESSION STATISTICS

	Continued	Introduced	Passed	Failed
<b>House Bills</b>	39	1,204	522	721
<b>House Joint Resolutions</b>	2	565	493	74
<b>House Resolutions</b>	0	247	238	9
<b>House Total</b>	41	2,016	1,253	804
<b>Senate Bills</b>	147*	796	361	580
<b>Senate Joint Resolutions</b>	18	228	199	47
<b>Senate Resolutions</b>	0	88	85	3
<b>Senate Total</b>	165*	1,112	645	630
<b>General Assembly Total</b>	206*	3,128	1,898	1,434

\* Two Senate bills continued from the 2018 Session, SB 208 and SB 944, were reintroduced in the 2019 Session and appear in both the Continued and Introduced categories.



# Appendix B: 2019 SESSION HIGHLIGHTS

The *2019 Session Highlights* summarizes significant legislation considered by the 2019 Session of the General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview of the 2019 Session covers legislative actions through sine die on Sunday, February 24, 2019. Bills are differentiated as Passed or Failed. Passed bills are subject to review and veto by the Governor; thus, some of the bills listed as passed in this volume may be amended and some may not become law.

## Agriculture/Natural Resources

### Passed

**HB 1839/SB 1692 Industrial hemp; federal Farm Bill; emergency.** Conforms Virginia law to the provisions of the federal 2018 Farm Bill by amending the definitions of cannabidiol oil, marijuana, and tetrahydrocannabinol (THC) to exclude industrial hemp in the possession of a registered person, hemp products, or an oil containing no more than 0.3% THC. The bill defines "industrial hemp" as any part of the plant *Cannabis sativa* that has a concentration of THC that is no greater than that allowed by federal law, and it defines "hemp product" as any finished product that is otherwise lawful and that contains industrial hemp. The bill adds the category of "dealer" in industrial hemp to the existing registration categories of grower and processor. The bill requires any registered grower, dealer, or processor who negligently violates the law to comply with a corrective action plan established by the Commissioner of Agriculture and Consumer Services (the Commissioner). The plan must identify a date by which the person is required to correct the violation and requires the person to report periodically for not less than two calendar years on his compliance with the law. No person who negligently violates the industrial hemp law three times in a five-year period is eligible to grow, deal in, or process industrial hemp for a period of five years beginning on the date of the third violation. The bill directs the Commissioner to (i) revoke the registration of any registered grower, dealer, or processor who violates the law with a culpable mental state greater than negligence and (ii) advise the Attorney General of the United States and the Superintendent of State Police, or the chief law-enforcement officer of the county or city, when such person grows, deals in, or processes with a culpable mental state greater than negligence any *Cannabis sativa* with a concentration of THC that is greater than that allowed by federal law. The bill authorizes the Department of Agriculture and Consumer Services (the Department), if it obtains the approval of the U.S. Secretary of Agriculture, to refrain from requiring destruction of industrial hemp until the THC level is greater than 0.6%, and it authorizes the Department at that point to allow a re-test of the industrial hemp if the THC level is no greater than one percent. The bill abolishes the higher education and Virginia industrial hemp research programs, along with the requirement that a grower or processor act exclusively within such a program. The bill authorizes the Commissioner to charge a fee for certain THC testing. Finally, the bill directs the Department to report by December 1, 2019, (a) to the General Assembly on the fiscal impact of the growth of the industrial hemp industry upon the Department's registration

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program and the existence of any need to alter the registration fee and (b) to the Chairmen of the House and Senate Agriculture Committees on the viability of markets for Virginia industrial hemp growers, the types of products made from industrial hemp that can be produced in Virginia, and the economic benefits and costs of production of such products. The bill also directs the Secretary of Agriculture and Forestry and the Secretary of Health and Human Resources to report by November 1, 2019, on the appropriate standards, if any, for the production of an oil with a THC concentration of no greater than 0.3 percent that is derived from industrial hemp. The bill contains an emergency clause.

**HB 2786/SB 1355 Coal combustion residuals impoundment; closure.** Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, within the Chesapeake Bay watershed at Bremono Power Station, Chesapeake Energy Center, Chesterfield Power Station, and Possum Point Power Station to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. The measure requires that any owner or operator beneficially reuse no less than 6.8 million cubic yards in aggregate of such removed CCR from no fewer than two of the sites. Such a closure project shall be completed within 15 years of its initiation and shall be accompanied by an offer from the owner or operator to provide connection to a municipal water supply for every residence within one-half mile, or if such connection is not feasible, the owner or operator shall offer to provide water testing for any such residence. The bill provides that if the owner or operator moves CCR off-site, it shall develop a transportation plan in consultation with any county, city, or town in which the CCR units are located and any county, city, or town within two miles of the CCR units, for any truck transportation that minimizes the effects on adjacent property owners and surrounding communities. The bill requires the owner or operator of a CCR unit to accept and review on an ongoing basis sufficiently detailed proposals to beneficially reuse any CCR that are not already subject to a removal contract. The bill requires that any entity conducting the closure work identify options for utilizing local workers, (b) consult with the Commonwealth's Chief Workforce Development Officer on opportunities to advance the Commonwealth's workforce goals, and (c) give priority to the hiring of local workers. The bill requires the CCR unit owner or operator to submit two biennial reports beginning October 1, 2022, and continuing until closure of all of its CCR units is complete. One report describes closure plans, progress, a detailed accounting of the amounts of CCR that have been beneficially reused and the amount of CCR that have been landfilled, the utilization of transportation options, water monitoring results, and other aspects of the closure process; the other report contains the beneficial reuse proposals that the owner or operator has received and its analysis of such proposals. The measure provides that all costs associated with closure of a CCR unit shall be recoverable through a rate adjustment clause authorized by the State Corporation Commission (the Commission) provided that (1) when determining the

reasonableness of such costs, the Commission shall not consider closure in place of the CCR unit as an option and (2) the annual revenue requirement recoverable through a rate adjustment clause shall not exceed \$225 million on a Virginia jurisdictional basis for the Commonwealth in any 12-month period, provided that any under-recovery amount of revenue requirements incurred in excess of \$225 million in a given 12-month period shall be deferred and recovered through the rate adjustment clause over up to three succeeding 12-month periods. The bill provides that costs may begin accruing on July 1, 2019, but no approved rate adjustment clause charges shall be included in customer bills until July 1, 2021; any such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer; and any such costs that are allocated to the utility's system customers outside of the Commonwealth that are not actually recovered from such customers shall be included for cost recovery from jurisdictional customers in the Commonwealth through the rate adjustment clause. The measure prohibits cost recovery for any fines or civil penalties resulting from violations of federal or state law.

#### Failed

**HB 2064 Ground water withdrawals; allocation.** Requires any person applying for a ground water withdrawal permit in the Eastern Virginia Groundwater Management Area (EVGMA) who proposes to use 50 percent or more of the water to be withdrawn for human consumption to submit documentation of such use to the State Water Control Board (the Board). The bill requires the Board to conduct a technical evaluation to determine whether the proposed withdrawal, when combined with all existing lawful withdrawals, will lower water levels in any confined aquifer. The bill prohibits the Board from issuing a permit for such human consumptive use if the withdrawal would lower levels in any confined aquifer below a point representing 80 percent of the distance between the land surface and the top of the aquifer. For a use that does not qualify as a human consumptive use, the bill prohibits the Board from issuing a permit if the withdrawal would lower such levels below a point representing eight percent of the distance between the land surface and the top of the aquifer. The bill requires any existing permittee who wishes to be considered a human consumption permittee to submit water use data to the Board showing that 50 percent or more of the ground water withdrawn during the year ending July 1, 2020, was used for human consumption. The bill directs the Board to evaluate the effects of withdrawal for each permit holder in the EVGMA as of July 1, 2019, and to modify the permit of any permit holder whose withdrawals will lower the water in a contained aquifer to a level below 80 percent (for a human consumption permittee) or eight percent (for any other permittee) of the distance between the land surface and the top of the aquifer. The bill authorizes the Board to charge a fee of up to \$10,000 for each such technical evaluation. Certain provisions of the bill are set to expire on July 1, 2021.

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### Alcoholic Beverage Control

#### Passed

**HB 1770/SB 1668 Alcoholic beverage control; Sunday store hours; distiller commission.** Requires the Alcoholic Beverage Control Authority (the Authority) to pay a distiller who operates a government store on the distiller's licensed premises a commission of not less than 12 percent of the retail price of any goods sold. The bill requires the Authority to periodically review the commission paid to licensed distillers and provide any recommended changes to the Governor and the General Assembly. The bill also allows certain government stores, as determined by the Board of Directors of the Authority, to be open on Sundays for the sale of alcoholic beverages after 10:00 a.m.

**HB 2073/SB 1726 Alcoholic beverage control; happy hour advertising.** Expands the ability of retail on-premises licensees to advertise happy hours by allowing them to advertise the prices of featured alcoholic beverages and to use creative marketing techniques, provided that such techniques do not tend to induce overconsumption or consumption by minors.

**HB 2634/SB 1110 Alcoholic beverage control; local referendums.** Allows the sale of mixed beverages by licensed restaurants and the sale of alcoholic beverages by the Board of Directors of the Virginia Alcoholic Beverage Control Authority in any county, town, or supervisor's election district unless a referendum is held and a majority of the voters voting in such referendum vote to prohibit such sales. Under current law, such sales are prohibited unless they have been approved through the referendum process.

#### Failed

**SB 1683 Alcoholic beverage control; food-to-beverage ratio.** Provides an alternative to the food-to-beverage ratio for mixed beverage restaurant licensees by allowing such licensees to meet applicable food sale requirements by demonstrating at least \$500,000 in annual food sales.

### Commerce and Labor

#### Passed

**HB 2473/SB 1079 Minimum wage; exemptions.** Eliminates the exemptions to Virginia's minimum wage requirements for newsboys, shoe-shine boys, babysitters who work 10 hours or more per week, ushers, doormen, concession attendants, and cashiers in theaters.

**HB 2577/SB 1693 Health insurance; coverage for autism spectrum disorder.** Requires health insurers, health care

subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals of any age. Currently, such coverage is required to be provided only for individuals from age two through age 10.

**HB 2664/SB 1696 Wage payment statements.** Requires each employer to provide on each regular pay date a written statement, by a paystub or online accounting, that shows the name and address of the employer, the number of hours worked during the pay period, and the rate of pay. Currently an employer is required to provide, when requested, a written statement of the employee's gross wages and any deductions. The measure does not apply to agricultural employment except that an agricultural employer, upon request of its employee, shall furnish the employee a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom. The measure has a delayed effective date of January 1, 2020.

#### Failed

**SB 1465 Workers' compensation; occupation disease presumptions; PTSD.** 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.

### Constitutional Amendments

#### Passed

**HJ 615/SJ 306 Constitutional amendment (first resolution); apportionment; state and local independent redistricting commissions; criteria.** Requires the establishment of independent redistricting commissions by the General Assembly and the governing bodies of each county, city, or town in which members of the governing body are elected from districts. The Virginia Independent Redistricting Commission is required to be convened for the purpose of proposing districts for the United States House of Representatives and for the Senate and House of Delegates. The Commission shall consist of twelve commissioners, four to be appointed by the Governor, four to be appointed by the Speaker of the House of Delegates, and four to be appointed by the Senate

Committee on Rules. Equal representation shall be given to the two major political parties. Congressional district plans must receive an affirmative vote of eight of the twelve commissioners in order to be submitted to the General Assembly for a vote. Senate district plans must receive an affirmative vote of three of the four commissioners appointed by the Senate Committee on Rules in order to be submitted to the Senate for a vote. House of Delegates district plans must receive an affirmative vote of three of the four commissioners appointed by the Speaker of the House of Delegates in order to be submitted to the House of Delegates for a vote. Plans may not be amended by the General Assembly or the respective body and are not subject to amendment, approval, or veto by the Governor. If a plan is rejected by the General Assembly or the respective body, the Commission is required to submit a new plan for consideration and if that plan is rejected, the districts shall be established by the Supreme Court of Virginia. Congressional and legislative districts are to be established in accordance with certain criteria set out in the amendment. The independent redistricting commissions established by the governing body of each county, city, and town in which members of the governing body are elected from districts will consist of four members, with equal representation given to the political parties, and will be responsible for submitting to its governing body proposed plans for local electoral districts. A proposed plan submitted to a governing body shall, if enacted, be done so in accordance with law.

Corrections

**Passed**

**HB 1642/SB 1777 Department of Corrections; restrictive housing; data collection and reporting; report.** Requires the Department of Corrections to report to the General Assembly and the Governor on or before October 1 of each year certain population statistics of persons incarcerated in state correctional institutions, including certain statistics regarding offenders placed in and released from restrictive housing and Shared Allied Management Units.

**HB 1918/SB 1598 Board of Corrections; minimum standards for health care services in local correctional facilities.** Authorizes the Board of Corrections (Board) to establish minimum standards for health care services in local, regional, and community correctional facilities and procedures for enforcing such minimum standards, with the advice of and guidance from the Commissioner of Behavioral Health and Developmental Services and the State Health Commissioner.

**Failed**

**SB 1498 Board of Juvenile Justice; regulations governing the housing of youth pursuant to contracts with the federal government.** Requires the Board of Juvenile Justice to promulgate regulations governing the housing of youth who are detained in a

juvenile correctional facility pursuant to a contract with the federal government and not committed to such juvenile correctional facility by a court of the Commonwealth.

**SB 1786 Conditional release of terminally ill prisoners.** Makes eligible for consideration by the Parole Board for conditional release any person who is terminally ill and is serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony.

Courts/Civil Law

**Passed**

**HB 1820 Nondisclosure or confidentiality agreement; sexual assault; condition of employment.** Prohibits an employer from requiring an employee or a prospective employee to execute or renew any provision in a nondisclosure or confidentiality agreement that has the purpose or effect of concealing the details relating to a claim of sexual assault as a condition of employment.

**HB 1979 Assisted conception.** Amends the assisted conception statute to provide gender-neutral terminology. The bill allows an unmarried individual to be an intended parent, paralleling the ability of an unmarried individual to adopt under the adoption statutes. The bill further allows for the use of an embryo subject to the legal or contractual custody of an intended parent in a surrogacy arrangement.

**SB 1619 Spoliation of evidence.** Establishes that a party or potential litigant has a duty to preserve evidence that may be relevant to reasonably foreseeable litigation. The bill further provides that a court (i) upon finding prejudice to another party from loss, disposal, alteration, concealment, or destruction of such evidence, may order measures no greater than necessary to cure the prejudice, or (ii) only upon finding that the party acted recklessly or with the intent to deprive another party of the evidence's use in the litigation, may (a) presume that the evidence was unfavorable to the party, (b) instruct the jury that it may or shall presume that the evidence was unfavorable to the party, or (c) dismiss the action or enter a default judgment. The bill further provides that no independent cause of action for negligent or intentional spoliation of evidence is created.

**Failed**

**HB 2127 Best interests of a child; frequent and continuing contact with each parent.** Provides that, while considering the best interests of a child for the purposes of determining custody or visitation arrangements, the court shall, when appropriate, assure frequent and continuing contact with each parent.

**SB 1539 Withholding of income for child support; independent contractors.** Clarifies that income earned by an independent

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contractor may be withheld by court order for payment of child support obligations.

### Courts/Criminal Justice

#### Passed

**HB 1720/SB 1632 Possession or distribution of cannabidiol oil or THC-A oil; public schools.** Provides that no school nurse employed by a local school board, person employed by a local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board, or other person employed by or contracted with a local school board to deliver health-related services shall be prosecuted for possession or distribution of cannabidiol oil or THC-A oil for storing, dispensing, or administering cannabidiol oil or THC-A oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil. The bill also provides that the Department of Health Professions, in coordination with the Department of Education, shall develop and make available to school boards a standardized form that is to be completed by the practitioner who issues a written certification and a pharmaceutical processor that dispenses the cannabidiol oil or THC-A oil to a student. The bill also provides that no school board shall be required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner for the possession or use of such oil in accordance with the student's individualized health plan and in compliance with a policy adopted by the school board.

**HB 1817 Promoting travel for prostitution; penalty.** Makes it a Class 1 misdemeanor for any travel agent to knowingly promote travel services for the purposes of prostitution or certain offenses involving minors that require registration on the Sex Offender and Crimes Against Minors Registry.

**HB 2042 Assault and battery against a family or household member; prior conviction; mandatory minimum term of confinement.** Provides that upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of an offense that occurred within a period of 10 years of the instant offense against a family or household member of (i) assault and battery against a family or household member, (ii) malicious wounding or unlawful wounding, (iii) aggravated malicious wounding, (iv) malicious bodily injury by means of a substance, (v) strangulation, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses is guilty of a Class 1 misdemeanor and the sentence of such person shall include a mandatory minimum term of confinement of 60 days.

**HB 2089/SB 1418 Sex Offender and Crimes Against Minors Registry; reregistration schedule.** Changes the dates for required reregistration of persons on the Sex Offender and Crimes Against Minors Registry (the Registry) from a repeating specified number of days after initial registration to time periods corresponding to such person's birth month and the first letter of such person's last name. The time intervals for reregistration for each of the following four categories of reregistration do not materially change. The bill provides that (i) a person required to register, other than those persons convicted of a sexually violent offense or murder, shall reregister once each year during such person's birth month; current law is once each year from the date of initial registration; (ii) a person convicted of a sexually violent offense or murder shall reregister every three months, beginning in such person's birth month; current law is every 90 days from the date of initial registration; (iii) a person convicted of providing false information or failing to provide registration information, but not convicted of a sexually violent offense or murder, shall reregister every six months beginning with such person's birth month; current law is every 180 days from the date of such conviction; and (iv) a person convicted of providing false information or failing to provide registration information, when such person was included in the Registry for a sexually violent offense or murder, shall reregister every month; current law is every 30 days from the date of such conviction. The bill requires persons with a last name beginning with A through L to register from the first to the fifteenth of each required reporting month and persons with last names M through Z to register from the sixteenth to the last day of the month of each required reporting month. The bill also requires that for the period of July 1, 2020, to July 1, 2021, any person required to reregister shall continue to reregister with the State Police on such person's reregistration schedule in place prior to July 1, 2020, until such person has reregistered pursuant to the new reregistration schedule, at which time such person shall continue reregistering with the new schedule. The bill has a delayed effective date of July 1, 2020.

**HB 2253 Nonresident concealed handgun permits; time of issuance.** Requires the Department of State Police (Department) to issue a concealed handgun permit to a nonresident within 90 days of receipt of the nonresident's completed application unless it determines that he is disqualified. The bill provides that the Department shall certify the nonresident's application as a de facto concealed handgun permit, which is effective for a period of 90 days after issuance, if the Department has not issued the permit or determined that the nonresident is disqualified within that 90-day period. The bill has a delayed effective date of October 1, 2019.

**HB 2303/SB 1047 Sex offenders in emergency shelters; notification registration.** Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex

offender. The bill provides that any person who fails to notify the shelter's staff of his status as a registered sex offender is guilty of a Class 3 misdemeanor. This bill provides that no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law, but emergency shelter staff may deny entry of a person on such registry who has been convicted of a sexually violent offense for a period of time necessary to ensure the safety of other individuals admitted to the emergency shelter.

### **HB 2548 Restoration of firearms rights; report to State Police.**

Creates a method whereby circuit courts shall report to the Department of State Police the issuance of a restoration order that unconditionally authorizes the possession, transportation, or carrying of a firearm to a person (i) who has been convicted of a felony; (ii) adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder, kidnapping, robbery by the threat or presentation of firearms, or rape; or (iii) under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult. The bill provides that if a court enters an order restoring a felon's right, the order shall contain the felon's name and date of birth and the clerk of the court shall certify and forward the restoration order accompanied by a complete set of the petitioner's fingerprints to the Central Criminal Records Exchange (CCRE). The bill provides that the Department of State Police, upon receipt of the restoration order, shall enter the felon's name and description in the CCRE so that law-enforcement personnel accessing the CCRE will be aware of the order's existence. The bill has a delayed effective date of January 1, 2021.

### **Failed**

### **HB 1763 Firearms; removal from persons posing substantial**

**risk; penalties.** 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 warrant to remove firearms from such person. An emergency substantial risk warrant 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 person is subject to the order resides 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, 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.

### **SB 1013 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, 2019, solely for nonpayment of fines or costs, provided that such person has paid the applicable reinstatement fee. The provisions of the bill are contingent upon funding in a general appropriation act.

### **SB 1024 Carrying dangerous weapon to place of religious**

**worship.** Repeals the statutory prohibition on carrying a gun, pistol, bowie knife, dagger, or other dangerous weapon, without good and sufficient reason, to a place of worship while a meeting for religious purposes is being held at such place.

## Education

### **Passed**

### **HB 1652/SB 1005 School calendar; opening day of the school**

**year.** Requires each local school board to set the school calendar so that the first day students are required to attend school is no earlier than 14 days before Labor Day unless the Board of Education waives such requirement for good cause. Under current law, each local school board is required to set the school calendar so that the first day students are required to attend school is after Labor Day unless the Board of Education waives such requirement for good cause. The bill provides that in each school division in which the school board sets the school calendar so that the first day students are required to attend school is before Labor Day, such school board shall close each school in the school division from the Friday immediately preceding Labor Day through Labor Day. The bill exempts from certain requirements certain school boards that were previously granted good cause waivers by the Board of Education.

### **HB 1704/SB 1593 State Council of Higher Education for**

**Virginia; financial aid award notification.** Requires any comprehensive financial aid award notification provided to a student by a public institution of higher education or nonprofit

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private institution of higher education to meet the requirements and best practices established by the Council in its Financial Aid Award Letters Policies and Guidance.

**HB 1729 School counselors; nomenclature; staff time.** Changes the name of guidance counselors to school counselors and requires each school counselor employed by a school board in a public elementary or secondary school to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students.

**HB 2037/SB 1397 Teacher licensure; criteria; assessments.** Requires the Board of Education to issue a license to an individual seeking initial licensure who has not completed the professional assessments prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure. The bill removes the requirement that the Board of Education prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and establish a minimum passing score for such assessment.

**HB 2173/SB 1118 Public institutions of higher education; tuition and fee increases; public comment.** Requires the governing board of each public institution of higher education, prior to a vote on an increase in undergraduate tuition or mandatory fees, to permit public comment on the proposed increase at a meeting of the governing board. The bill requires each such governing board to establish policies for such public comment, which may include reasonable time limitations.

**HB 2490/SB 1617 Tech Talent Investment Program.** Creates a grant program to assist qualified public institutions of higher education, defined in the bill, in reaching, by 2039, a goal of increasing by at least 25,000 degrees the number of bachelor's and master's degrees awarded in computer science, computer engineering, and closely related fields, or that otherwise align with traded-sector, technology-focused growth opportunities identified by the Virginia Economic Development Partnership Authority. To be eligible for an annual grant, a qualified institution is required to enter into a memorandum of understanding setting forth specific criteria for eligible degrees, eligible expenses, degree production goals, and graduation rates. The bill requires qualified institutions that are grant recipients to report annually on progress toward meeting such goals and that grants issued pursuant to the program are subject to appropriation. The bill also requires the Secretary of

Finance to report annually to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance regarding the progress of each qualified institution in meeting its goals and the amount of grants awarded to such institution.

**HB 2609/SB 1130 Department of Criminal Justice Services; school resource officers; school administrators; training.** Requires the Department of Criminal Justice Services (Department) to establish and every full-time or part-time law-enforcement officer employed as a school resource officer after July 1, 2020, to comply with compulsory minimum training standards for law-enforcement officers serving as school resource officers. The bill requires the training provided by the Department pursuant to such standards to be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and to be available throughout the Commonwealth. The bill requires each school board to ensure that every public school it supervises employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety, unless such training is not available online.

### Failed

**HB 2388 Eligibility for in-state tuition; certain individuals.** Declares eligible for in-state tuition any individual who meets certain eligibility criteria and who has filed an application for permanent residency or asylum or is under the age of 27 and is the child of an individual who has filed an application for asylum. The bill provides that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and such application has not been denied. The bill also prohibits any student who became eligible for in-state tuition as a result of his lawful presence in the United States pursuant to approval under the Deferred Action for Childhood Arrivals program or any other federal deferred action program from being deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program.

### Elections

#### Passed

**HB 1620/SB 1455 State Board of Elections; membership; appointment of Commissioner of Elections.** Increases the membership of the State Board of Elections from three members to five members and increases the terms of Board members from four years to five years. Representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill also grants to the Board the authority to appoint the Commissioner of Elections, subject to confirmation by

the General Assembly, and to remove the Commissioner of Elections. The appointment or removal of the Commissioner shall require an affirmative vote of four of the five Board members. The bill has a delayed effective date of January 1, 2020.

**HB 2790/SB 1026 Absentee voting; no-excuse in-person voting available beginning on second Saturday immediately preceding election.** Allows for any registered voter to vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the second Saturday immediately preceding the election, including the application requirement and the list of statutory reasons for absentee voting. The provisions of the bill do not become effective until the November 3, 2020, general election.

General Laws

**Passed**

**HB 1650/SB 1060 Virginia Lottery Law; disclosure of a lottery winner's identity.** Prohibits the Virginia Lottery from disclosing information about individual winners whose prize exceeds \$10 million, and exempts such information from disclosure under the Freedom of Information Act (FOIA), unless the winner consents to disclosure. Under FOIA, disclosure of the winner's name, hometown, and amount won is currently mandatory.

**HB 1668 Virginia Public Procurement Act; high-risk contracts; report.** Requires the Department of General Services (DGS), the Virginia Information Technologies Agency (VITA), and the Office of the Attorney General, as appropriate, to review contract solicitations and contracts for any public contract with a state public body for goods, services, insurance, or construction that meets the definition of high-risk contract provided in the bill. The bill directs DGS and VITA to develop guidelines for state agencies to use when assigning staff to administer high-risk contracts and requires that such guidelines (i) provide that any staff designated as a contract administrator must have prior contract administration experience and (ii) direct an agency's chief procurement officer to communicate to such contract administrator, when he first assumes his role, his responsibilities for effectively administering the contract. Some provisions of the bill have a delayed effective date for implementation for certain high-risk contract review processes.

**HB 2655/SB 1450 Eviction Diversion Pilot Program.** Establishes the Eviction Diversion Pilot Program (the Program), consisting of specialized dockets within the existing structure of the general district courts for the cities of Danville, Hampton, Petersburg, and Richmond. The Program is established as a pilot program that has a

delayed effective date of July 1, 2020, and that expires on July 1, 2023. The purpose of the Program is to reduce the number of evictions of low-income persons. Parties to an unlawful detainer action in participating jurisdictions will be directed to participate in the Pilot Program upon certain findings by the court. The Virginia Housing Commission (the Commission) shall request data from the Executive Secretary of the Supreme Court of Virginia for the evaluation of the Program's effectiveness and potential benefits and costs.

**SB 1126 Lottery Board; regulation of casino gaming; penalties.** Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). Casino gaming shall be limited to certain cities that meet the criteria that is outlined in the bill, and a referendum must be passed in the city on the question of allowing casino gaming in the city. The bill requires the Joint Legislative Audit and Review Commission (JLARC) conduct a review of casino gaming laws of other states and report its findings to Chairmen of the Senate Committee on General Laws and Technology and the House Committee on General Laws on or before December 1, 2019. The bill contains enactment clauses that prohibit (i) any referendum from being held prior to the publication of the JLARC findings and recommendations regarding casino gaming or after January 1, 2021, and (ii) the Board from issuing a license to operate a gaming operation before July 1, 2020. The bill also provides that amendments to the Code of Virginia that are made in the bill will not become effective unless reenacted by the 2020 Session of the General Assembly.

**Failed**

**HB 2421 Prohibited discrimination; sexual orientation and gender identity.** Prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill codifies existing prohibited discrimination in public 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 and adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices.

Health

**Passed**

**HB 1942 Behavioral health services; exchange of medical and mental health information and records; correctional facilities.** Authorizes the State Board of Corrections (the Board) to establish minimum standards for behavioral health services in local correctional facilities, including (i) requirements for behavioral health screening and assessment for all individuals committed to local correctional facilities, the delivery of behavioral health

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services in local correctional facilities, and the sharing of medical and mental health information and records concerning individuals committed to local correctional facilities; (ii) requirements for discharge planning for individuals with serious mental illness assessed as requiring behavioral health services upon release from local correctional facilities; (iii) requirements for at least one unannounced annual inspection of each local correctional facility to determine compliance; and (iv) provisions for billing the sheriff in charge of a local correctional facility or superintendent of a regional correctional facility by a community services board that provides behavioral health services in the local or regional correctional facility. The bill also allows the person in charge of a state, regional, or local correctional facility, or his designee, to receive from a health care provider medical and mental health information and records concerning a person committed to such correctional facility, even when such committed person does not provide consent or consent is not readily obtainable, when such information and records are necessary (a) for the provision of health care to the person committed, (b) to protect the health and safety of the person committed or other residents or staff of the facility, or (c) to maintain the security and safety of the facility. The bill clarifies that the administrative personnel of a state, regional, or local correctional facility may receive medical and mental health information and records from any health care provider concerning any person committed to such correctional facility as necessary to maintain the safety of the facility, its employees, or other prisoners.

**HB 1952/SB 1209 Patient care team podiatrist definition; physician assistant supervision requirements.** Establishes the role of "patient care team podiatrist" as a provider of management and leadership to physician assistants in the care of patients as part of a patient care team. The bill modifies the supervision requirements for physician assistants by establishing a patient care team model.

**HB 2026 Newborn screening; congenital cytomegalovirus.** Directs the Board of Health to amend regulations governing newborn screening to include screening for congenital cytomegalovirus in newborns who fail the newborn hearing screen.

**HB 2546 Maternal Death Review Team established.** Establishes the Maternal Death Review Team (the Team) to develop and implement procedures to ensure that maternal deaths occurring in the Commonwealth are analyzed in a systematic way. The bill requires the Team to (i) develop and revise as necessary operating procedures for maternal death reviews, including identification of cases to be reviewed and procedures for coordinating among the agencies and professionals involved; (ii) improve the identification of and data collection and record keeping related to causes of maternal deaths; (iii) recommend components of programs to increase awareness and prevention of and education about maternal deaths; and (iv) recommend training to improve the review of maternal deaths.

**HB 2731 Lyme disease; disclosure of information to patients.** Requires every laboratory reporting the results of a test for Lyme disease ordered by a health care provider in an office-based setting to include, together with the results of such test provided to the health care provider, a notice stating that the results of Lyme disease tests may vary and may produce results that are inaccurate and that a patient may not be able to rely on a positive or negative result from such test. Such notice shall also include a statement that health care providers are encouraged to discuss Lyme disease test results with the patient for whom the test was ordered. The bill also provides that a laboratory that complies with the provisions of the bill shall be immune from civil liability absent gross negligence or willful misconduct.

**HB 2750/SB 1004 Advance estimate of patient payment amount for elective medical procedure, test, or service; notice of right to request.** Provides that every hospital currently required to provide an estimate of the payment amount for an elective procedure, test, or service for which a patient may be responsible shall also provide each patient with written information regarding his right to request such estimate, to post written information regarding a patient's right to request such estimate conspicuously in public areas of the hospital, and to make such information available on the hospital's website.

**SB 1488 Department of Behavioral Health and Developmental Services; causes of high state hospital census; report.** Directs the Secretary of Health and Human Resources to convene a stakeholder work group to examine the causes of the high census at the Commonwealth's state hospitals for individuals with mental illness, including (i) the impact on such census of the practice of conducting evaluations of individuals who are the subject of an emergency custody order in hospital emergency departments, the treatment needs of individuals with complex medical conditions, the treatment needs of individuals who are under the influence of alcohol or other controlled substances, and the need to ensure that individuals receive treatment in the most appropriate setting to meet their physical and behavioral health care needs and (ii) the potential impact on such census of extending the time frame during which an emergency custody order remains valid, revising security requirements to allow custody of a person who is the subject of an emergency custody order to be transferred from law enforcement to a hospital emergency department, diverting individuals who are the subject of an emergency custody order from hospital emergency departments to other more appropriate locations for medical and psychological evaluations, and preventing unnecessary use of hospital emergency department resources by improving the efficiency of the evaluation process. The work group shall analyze how such issues affect both adults and children.

**SB 1557 Board of Pharmacy; cannabidiol oil and tetrahydrocannabinol oil; regulation of pharmaceutical processors.** Authorizes licensed physician assistants and licensed nurse practitioners to issue a written certification for use of

cannabidiol oil and THC-A oil. The bill requires the Board to promulgate regulations establishing dosage limitations, which shall require that each dispensed dose of cannabidiol oil or THC-A oil not exceed 10 milligrams of tetrahydrocannabinol.

### Local Government

#### **Passed**

**HB 2342/SB 1373 Conditional rezoning proffers.** Makes extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments include the addition of provisions stating that no local governing body shall require any unreasonable proffer, as described in current law. Under current law, no locality may request or accept any unreasonable proffer. Other changes (i) allow an applicant to submit any onsite or offsite proffer that the applicant deems reasonable and appropriate, as conclusively evidenced by the signed proffers, and (ii) state that nothing in the bill shall be deemed or interpreted to prohibit communications between an applicant or owner and the locality or to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality's public facilities.

**HB 2621/SB 1091 Site plan approval; decommissioning certified solar energy equipment, facilities, or devices.** Requires a locality, as part of the local legislative approval process or as a condition of approval of a site plan, to require an owner, lessee, or developer of real property to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon certain terms and conditions, including right of entry by the locality and financial assurance.

**SB 1156 Sanctuary policies prohibited.** Provides that no locality shall adopt any ordinance, procedure, or policy intended to restrict the enforcement of federal immigration laws.

### Social Services

#### **Passed**

**HB 1659/SB 1257 Child abuse and neglect; mandatory reporters.** Adds to the list of persons who are required to report suspected child abuse or neglect ministers, priests, rabbis, imams, and duly accredited practitioners of any religious organization or denomination usually referred to as a church; however, the bill exempts such clergy members from the mandatory reporting requirement when the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept confidential or (ii) would be subject to the exemptions set forth in § 8.01-400 or 19.2-271.3 if offered as evidence in court.

**HB 1871/SB 1145 Virginia Initiative for Employment Not Welfare (VIEW); transitional child care.** Allows VIEW participants whose Temporary Assistance for Needy Families financial assistance is terminated to receive child care assistance for up to 12 months after termination if the individual is enrolled in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia, and is taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license. Under current law, such child care assistance is only available if it enables the individual to work.

**HB 2597/SB 1661 Child abuse and neglect report or complaint; victims of sex trafficking; taking child victim into custody.** Requires a local department of social services to conduct a sex trafficking assessment upon receiving a complaint of suspected child abuse that is based upon information and allegations that a child is a victim of sex trafficking, provided that the local department has not determined that a separate investigation or family assessment is required. The bill also allows a child-protective services worker of a local department responding to such complaint to take the child victim into custody and allows the local department to maintain custody of the child for up to 72 hours without prior approval of a parent or guardian.

**SB 1339 Foster care omnibus.** Makes numerous changes to the laws governing the provision of foster care services in the Commonwealth. Among other things, the bill (i) allows the Commissioner of Social Services to develop and implement a corrective action plan for or assume temporary control over the foster care services of a local board of social services upon determining that the local board (a) has failed to provide foster care services or make placement and removal decisions in accordance with applicable laws or regulations or (b) has taken any action that poses a substantial risk to the health, safety, or well-being of any child under its supervision and control; (ii) requires the Commissioner to create within the State Department of Social Services (the Department) a foster care health and safety director position; (iii) directs the Commissioner to establish and maintain a confidential hotline to receive reports and complaints from foster parents and other persons regarding violations of laws or regulations applicable to foster care and any other matters related to the health, safety, or well-being of children in foster care; (iv) directs the Department to develop and implement a more reliable, structured, and comprehensive case review and quality improvement process to monitor and improve foster care services provided by local boards and departments of social services; and (v) requires the Department to establish and update annually a caseload standard that limits the number of foster care cases that may be assigned to each foster care caseworker.

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**SB 1678 Family First Prevention Services Act; statutory alignment.** Aligns the Code of Virginia with the federal Family First Prevention Services Act of 2018 regarding background check requirements for employees of, volunteers at, and contractors providing services to juveniles at children's residential facilities. The bill contains an emergency clause.

### Failed

**SB 1129 Eligibility for food stamps and TANF; drug-related felonies.** Provides that a person who is otherwise eligible to receive food stamp benefits or Temporary Assistance for Needy Families shall not be denied such assistance solely because he has been convicted of any drug-related felony, 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.

**SB 1321 Licensed family day homes; storage of firearms.** Requires that firearms and ammunition in a licensed family day home be stored in a locked closet, cabinet, or container during the family day home's hours of operation. The bill requires that the key or combination to such locked storage places be maintained out of the reach of all children in the family day home.

### Taxation

#### Passed

**HB 1722/SB 1083 Remote sales and use tax collection; sufficient activity by dealers and marketplace facilitators as to require registration for sales and use tax collection.** Directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019. The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate. The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information

provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser. The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection.

**HB 2356/SB 1255 Major Headquarters Workforce Grant Fund.** Creates the Major Headquarters Workforce Grant Fund. A qualified e-commerce company that makes a capital investment of at least \$2 billion in a major headquarters facility in Arlington County and that creates at least 25,000 new full-time jobs with an average annual wage of \$150,000 will be eligible for up to \$550 million in grants from the Fund. A qualified company may also be eligible for an additional \$200 million in grants for creating an additional 12,850 new full-time jobs.

**HB 2529/SB 1372 Income tax; conformity.** Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, effective starting in taxable year 2018. Starting in taxable year 2019, the bill deconforms from the provisions of the federal Tax Cuts and Jobs Act (TCJA) that limit the deduction for state and local taxes and that suspend the overall limit on itemized deductions. The bill establishes income tax subtractions starting in taxable year 2018 for Global Intangible Low-Taxed Income (GILTI) and for one-fifth of the amount of business interest that is disallowed as a deduction from federal income tax. The bill increases the standard deduction to \$4,500 for single individuals and \$9,000 for married persons filing jointly for taxable years 2019 through 2025. Under current law, the standard deduction is \$3,000 for single individuals and \$6,000 for married couples filing jointly. The bill provides for a refund, not to exceed a taxpayer's tax liability of up to \$110 for individuals and \$220 for married persons filing a joint return. The refund will be issued in October 2019 and will be available only for a taxpayer filing a final return by July 2019. The refunds will be reduced and prorated if the additional revenues generated by the TCJA are insufficient to fully fund the refunds. The bill establishes the Taxpayer Relief Fund (the Fund). For fiscal years 2019 through 2025, any additional revenues attributable to the TCJA, beyond those necessary to fund the provisions of the bill, would accrue to the Fund. The bill directs the General Assembly to appropriate moneys from the Fund to enact permanent or temporary tax reform measures. The bill contains an emergency clause.

### Failed

**HB 2160/SB 1297 Refundable income tax credit for low-income taxpayers.** Allows low-income individuals and married persons to claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and any dependents or (ii) a refundable income tax credit equal to 20 percent of the federal earned income tax credit claimed that year by the individual or married persons. Under current law, low-income individuals and married persons may elect either of these amounts; however, both options for

claiming the credit are nonrefundable. The provisions of the bill apply to taxable years beginning on and after January 1, 2019, but before January 1, 2026.

Transportation/Motor Vehicles

**Passed**

**HB 2514 Motor vehicle safety inspections; charges.** Increases the maximum charge for a state safety inspection for a motor vehicle from \$16 to \$20 and increases the amount transmitted to the Department of State Police from \$0.50 to \$0.70.

**HB 2718/SB 1716 Interstate 81; Interstate 81 Corridor Improvement Fund.** Creates the Interstate 81 Corridor Improvement Fund. Revenues deposited in the Fund are allocated for improvements to the Interstate 81 Corridor. The bill also directs the Commonwealth Transportation Board (Board) to develop and update, in consultation with an Interstate 81 Committee (Committee) established by the bill, an Interstate 81 Corridor Improvement Program. The Committee is also directed to review the Interstate 81 Corridor Improvement Plan adopted by the Board in December 2018, as it relates to funding options and make recommendations to the Governor and the General Assembly regarding funding recommendations and prioritization of projects.

**SB 1521 Handheld photo speed monitoring devices.** Provides that the Department of State Police may operate a handheld photo speed monitoring device, defined in the bill, in or around a highway work zone 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 applicable highway work zones.

**SB 1768 Use of handheld personal communications devices; highway work zones; penalty.** Prohibits any person from holding a handheld personal communications device while driving a motor vehicle in a highway work zone, with certain exceptions. The bill provides that a violation is punishable by a mandatory fine of \$250.

**Failed**

**HB 1811/SB 1341 Use of handheld personal communications devices while driving.** Prohibits any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits only the reading of any email or text message and manually entering letters or text in such a device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are being held and used (i) as an amateur radio or a citizens band radio or (ii) for official Department of Transportation or traffic incident management services.

**HB 1843/SB 1740 Driver privilege cards; penalty.** 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.

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